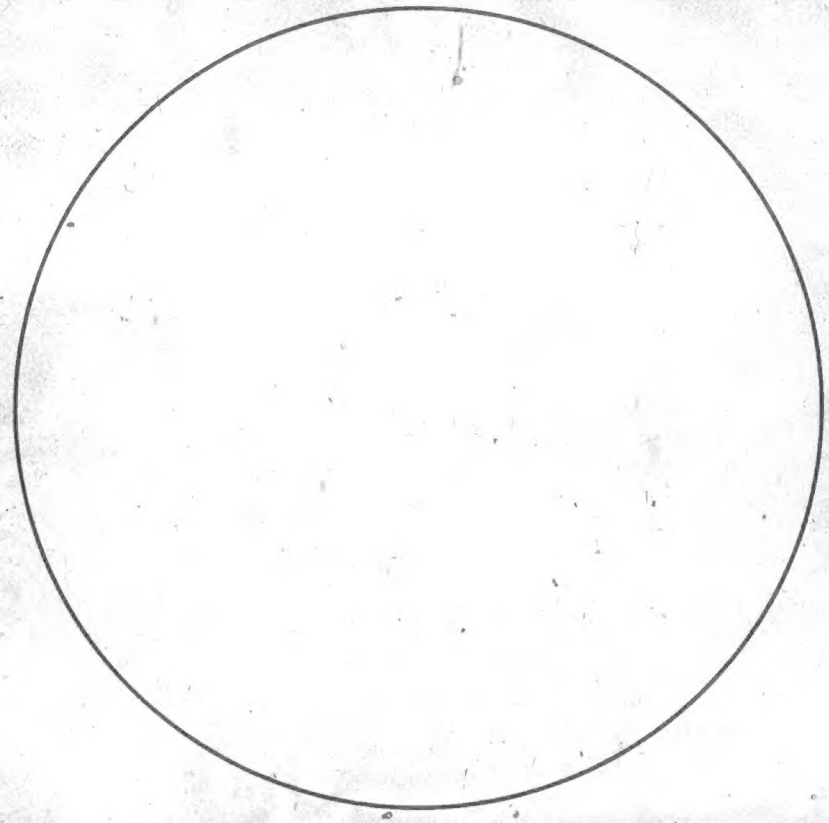
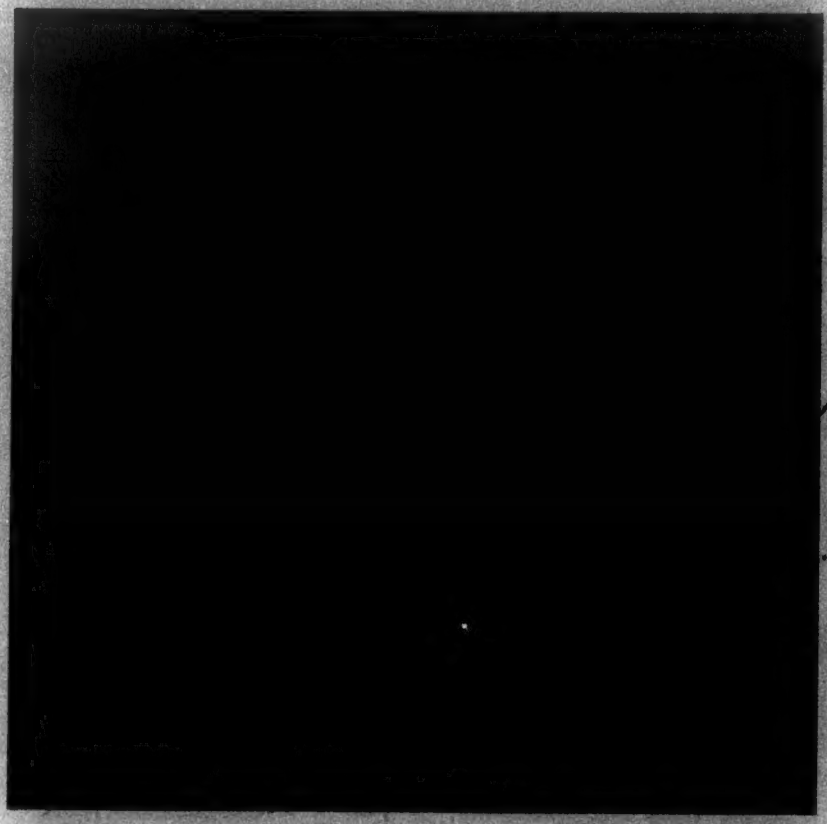
NATIONAL ARCHIVES CENTER

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 361

CHEROKEE FREEDMEN D1325 - D2239

CHEROKEE FREEDMEN R1 - R57

THE NATIONAL ARCHIVES
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WASHINGTON: 1983

Cher. Fr. D-1325

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R.
C. F. D-1325.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of JESSE LOWREY as a Freedman citizen of the Cherokee Nation.

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: Your name is Ned Irons, your age is forty-six, your post office address is Tahlequah, I. T. A Yes sir.
Q You are a recognized Cherokee Freedman? A Yes sir.
Q Do you know Jesse Lowrey? A Yes sir.
Q He is a man now about thirty-six years of age? A I guess so.
Q What is his post office address? A Fort Gibson.
Q Does he reside in Illinois District? A I don't know whether he lives in the country or stays in town. If it is in town it is in Tahlequah District.
Q What is the name of the father of Jesse Lowrey? A Jesse.
Q Is he living? A No sir.
Q Was he a slave? A Yes sir.
Q Do you know the name of his owner? A No sir.
Q What is the name of the mother of this young man, Jesse Lowrey?
A Lydia Lowrey.
Q Is she living? A No sir.
Q Was she a Cherokee Freedman? A Yes sir.
Q Was she the slave of a Cherokee [illegible]? [illegible]
citizen? A Yes sir.
Q Do you know the name of herowner? A I think they belonged to the same man.
Q Do you know who owned them? A No sir.
Q Were the parents of this young man, Jesse Lowrey, recognized as Freedmen of the Cherokee Nation? A Yes sir.
Q Do you know whether their names appear upon the tribal rolls of the Cherokee Nation? A Yes sir, I think they do. You will find Jesse's name on the 1896 roll all right.
Q I don't find it on the 1880. A He was not on the 1880. I had to be a witness about him on the 1896. I was a witness in his defense when he was placed on the 1896 roll.
Q He was at one time a contested citizen? A Yes sir, by not being on the 1880. He was off cooking somewheres, and didn't get on the 1880 roll.
Q Did you know the father of Jesse Lowrey at the close of the war?
A No sir.
Q Did you know that he was in the Cherokee Nation in those days?
A Yes sir, that is, when I was acquainted with him at Fort Gibson.
Q You saw him in the Cherokee Nation in 1866? A Yes sir.
Q Was themother of this young man, Jesse Lowrey, living at that time? A Yes sir.
Q How long did you know them after that? A Until they died.
Q Did they reside in the Cherokee Nation continuously until their death? A Yes sir.
Q Do you know why the name of Jesse Lowrey does not appear on the 1880 roll? A No sir, I don't. He was out cooking some place, and he didn't put himself to any trouble to come. I think, too, he was away off. When it comes to the 1896 roll, I was witness for him. I forget what his testimony was that he was not on the 1880 roll.
Q Do you know whether this young man, Jesse Lowrey, drew Kern-Clifton money ornot? A No sir, I don't.

Q Do you know the reason why he has not applied for enrollment as a Cherokee Freedman? A No sir.
Q Has he any improvements in the Cherokee Nation? A I don't know whether he has or not. Yes, he has, right near Fort Gibson.
Q Is he recognized as a Cherokee Freedman? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

No. 316, Jesse Lowrey, Tahlequah District, age 30.

Q Do you know whether he is enrolled in any other Nation or not?
A No sir, I don't think so. I am satisfied he is not.
Q Has Jesse Lowrey some younger brothers and sisters?
A Cornelius and Jinnetta are dead.
Q Were they full brothers and sisters? A Yes sir.
Q You don't know whether they drew money in the Kern-Clifton payment or not? A No sir, I don't. A whole lot of them were knocked off and didn't get in. He is likely to be one of them.

It is shown upon examination of the copy of the 1880 authenticated roll of citizens of the Cherokee Nation formerly in possession of the representative of the Cherokee Nation, that the father and brother and sister of Jesse Lowrey are identified upon said roll as follows:

Page 41, #1444, Jesse Lowry, Tahlequah District, adopted colored, age 65.

Page 41, #1445, Cornelius Lowry, Tahlequah District, adopted colored, age 11.

Page 41, #1446, Jinnetta Lowry, Tahlequah District, adopted colored, age 8.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 3rd day of September, 1903.

John Rosson
Notary public.

Cher. Fr. D - 1326

Cher. Fr. D - 1326

R.
C.F. D-1326.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of NANNIE MEADOWS as a Freedman citizen of the Cherokee Nation.

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ned Irons.
Q How old are you? A Forty-seven.
Q What is your post office address? A Melvin.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know Nannie Meadows? A Yes sir.
Q What is herpost office address? A Tahlequah.
Q Does she live in Tahlequah District? A I think she has gone to Muskogee. I heard of her over there a few days ago. I expect their post office would be there.
Q Has her residence been in Tahlequah District? A Yes sir, her mother lives right down here, at the edge of town.
Q Is Nannie Meadows a Cherokee Freedman? A Yes sir, descended from a Cherokee Freedman.
Q What is the name of her father? A Her father was named Large Meadows.
Q Is Large Meadows living? A No sir.
Q Was he a Cherokee Freedman? A No sir.
Q What is the name of the mother of Nannie Meadows?
A Mary Meadows, Mary Sumter, she has married again.
Q Was Mary Sumter a slave? A THe mother of Nannie was. Her father and mother were. I don't know whether she is old enough to be a slave. Her father went by the name of Jack Pack. This Mary, I don't know whether she is old enough o be a slave or not.
Q Nannie Meadows is now about twenty-two years of age? A Yes sir
Q Her mother would have to be old enough to have been a slave?
A Yes, I expect so. Her motheris the sister of Frank Packs and Henry Packs.
Q Do you know to whom Mary Sumter belonged? A No , no more than by Packs, I don't know the owners.
Q What district are the Packs in? A Tahlequah.
Q What is the name of the father of Mary Sumter? A Jack Pack.
Q Is he living? A No sir.
Q Was he a Cherokee freedman? A Claimed to be.
Q Do you know the name of the mother of Mary Sumter? A I did know but just can't rememberit.
Q Has Nannie Meadows some brothers and sisters? A I think so. I think there are some, would not be positive, but I think she had more children than one.
Q Nannie Meadows has some brothers and sisters?
A I say I think so.
Q Is she a sister of Frank and Henry Pack? A No, she is a niece of Frank and Henry.
Q Was the mother of Nannie Meadows a sister of Frank and Henry Pack
A Yes sir.
Q Was she a full sister of theirs? A I think so, I am not sure.
Q How long haveyku known Nannie Meadows. A Known her all her life. I have seen her off and on all her life.
Q Has she resided in the Cherokee Nation all the time that you have known her? A Yes sir.

Q Is she recognized as a Cherokeefreedman? A I don't know anything particularly about her, but the family is.
Q Is Nannie Meadows married? A Yes sir.
Q What is her husband's name? A I think his name is Watkins. I am not acquainted with him. I have heard his name and seen him several times.
Q Has Nannie Meadows any children? A I think she has one.
Q Do you know its name? A No sir.
Q Do you know about how old it is? A I guess it must be about two years old.
Q Do you know whether it is a boy or a girl? A No sir, I don't know.
Q Is the husband of Nannie Meadows a Cherokee Freedman? A No sir.

1896 census roll of citizens of the Cherokee Nation examined, and applicant identified as follows:

No. 317, Nannie Meadows, Tahlequah District, adopted Freedman, age 16.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 3rd day of September, 1902.

John Rosson
Notary public.

Cher.Fr.D-1327

Cher.Fr.D-1327

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Cher F D 1327

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES FULLER, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Dora Mayfield #332 Tahlequah District;
Thomas Mayfield #333 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this December 4, 1902.

B C Givens
Notary Public.

Cher. Fr. D-1328

Cher. Fr. D-1328

R.
C. F. D-1328.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 19, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of RICHARD NERO as a Freedman citizen of the Cherokee Nation.

NED IRONS, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ned Irons.
Q How old are you? A Forty-six.
Q What is your post office address? A Tahlequah.
Q You are a recognized Cherokee Freedman? A Yes sir.
Q Do you know Richard Nero A Yes sir.
Q Do you know his wife Mollie? A Mollie is his sister.
Q What is their post office address? A Richard is at Fort Gibson. Mollie is at Wagoner. Mollie, she is a Johnson now.
Q Does Richard reside in Illinois District? A I think he is in Tahlequah. I don't know. He is near Fort Gibson.
Q Richard Nero is now about thirty-two years of age? A Yes sir.
Q Mollie is now about twenty-eight A Yes sir.
Q What is the name of the father of these children? A Their father went by the name of Nero Irons. They took his given name for a surname.
Q What is the name of t.. therof these children? A Fannie.
Q Is Nero Irons living? A No sir.
Q Was he a CherokeeFreedman? A Yes sir.
Q What was the name of his owner? A Annie Irons.
Q Was she a citizen by blood of the Cherokee Nation? A Yes sir.
Q Was Fannie Irons a Cherokee Freedman? A No sir.
Q Is she living? A Yes sir.
Q Was Nero Irons related to you? A Yes sir.
Q What relation is he to you? A He was my grandfather.
Q He is not the father of these children if he is your grandfather?
A Yes sir , he is.
Q How long has Nero Irons been dead? A He died in Illinois, about 1873 I think, somewhere along about that time. He has been dead a good while.
Q Was Nero out of the Cherokee Nation during the war? A No sir.
Q Did he stay in the CherokeeNation all the time during the war?
A Yes sir.
Q Was he recognized after the war as a CherokeeFreedman? A Yes sir
Q Was your father and the father of Richard and Mollie Nero brothers? A Nero Irons was the fatherof my mother, and she was a sister to Richard and Mollie Nero. That made these two children my uncle and aunt.
Q Do you know what is the reason they have never applied for enrollment? A Yes sir. Because their mother was a Creek citizen, and they enrolled in the Creek Nation with their mother.
Q Do you know to what town in the Creek Nation the mother of these children belongs? A She is living in this Nation, right in this district now. She is living in this district in the Cherokee Nation.
Q What is her name now? A Her name is Fannie Miller now. She is a widow though.
Q Has she enrolled in the Creek Nation under the name of Fannie Miller? A Enrolled in the Creek Nation under the name of Fannie Miller.
Q Richard and Mollie Irons do not claim citizenship in the Cherokee Nation at all now, do they? A No, not now.

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1896 census roll of citizens of the Cherokee Nation examined, and applicants identified thereon as follows:

Page No. 337, Richard Irons, Tahlequah District.

No. 338, Mollie Irons, Tahlequah District.

Kern-Clifton Roll examined for applicants, and names identified as follows:

Page 133, #8297, Richard Irons, Illinois District.

Page 133, #8296, Mollie Irons, Illinois District.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 3rd day of September, 1902.

John T. Rosson
Notary Public.

Cher. Fr.D-1329

Cher. Fr.D-1329

R

Clerk

F D 1328

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., November 30, 1902.

In the matter of the application of [redacted] BURNETT, for enrollment as citizen of the Cherokee Nation.

ELIZA STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Eliza Starr.
Q What is your age? A Forty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Indians?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, viz: for Eliza and descendants:

Joel Sheppard #495 Tahlequah District.

Q Are there any of the persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

[redacted] Witness, on [redacted] Commission to the Five [redacted] and produced the [redacted] testifying in an account [redacted]

Subscribed and sworn to before me this [redacted], 1902.

E C Bagwell
B O Jones
Notary Public.

Cher. Fr. D - 1330

Cher. Fr. D - 1330

R
Che. F D 1330

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of [illegible] for enrollment as citizens of the Cherokee Nation:

GILBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Gamet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Sherenore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lydia Thompson #546 Tahlequah District.
Carrie Thompson #547 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. T. Negus, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, that he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E T Negus

Subscribed and sworn to before me, this December 9, 1902.

B O Ivie
Notary Public.

Cher. Fr. D. 1331

Cher. Fr. D. 1331

Dept. Int. 1931

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Okla. Feb. 20, 1931.

In the matter of the application of J.A. Bo[illegible] for enrollment as citizens of the Cherokee Nation.

Evarts Graham being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Evarts Graham
Q What is your age? A Thirty one years.
Q What is your post office address? A Tahlequah, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Martha Thompson #668 Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible] Commission to the [illegible] testimony and proceedings had in the above [illegible] the foregoing is a full, true and correct transcript thereof.

[illegible] and sworn to before me this [illegible]

Cher. Fr. D - 1335

Cher. Fr. D - 1335

File with Cherokee Freedmen D-1134.

Department of the Interior,
Commission to the Five Civilized Tribes.
Ft. Gibson, I.T., April 9, 1901.

In the matter of the application of Rachel Ward for the enrollment of Amanda Beck as a Cherokee Freedman; said Rachel Ward being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Rachel Ward.
Q You apply for the enrollment of Amanda Beck? A Yes,sir.
Q How old is Amanda Beck? A About 11 years old.
Q Amanda Beck living with you? A No sir, she aint living with me, I am guardian for her.
Q What is her postoffice address? A Fort Gibson.
Q What was her mother's name? A Eliza Sheppard.
Q IS her mother living? A Yes,sir.
Q What is her father's name? A Denice Beck.
Q Her father living? A He's dead.
Q You are the legal gurdian of this child? A Yes,sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the child's father found on page 502, No. 79, Denice Beck, Illinois District.

Q Is Eliza Sheppard living? A Yes,sir.
Q What would be her name when she was a child on the roll of 1880
A She aint never been on any roll.
Q Is she not a citizen? A No, sir.
Q Denice Beck was a citizen? A Yes,sir
Q Was he married to Eliza? A Yes,sir
Q Have you any proof of their marriage? A Nobody, but persons.
Q You know they were married? A No, sir, I wasn't at the marriage; I know they were married.
Q Did they live together as mana and wife? A Yes,sir, until he died.
Q You knew them? A Yes,sir
Q They were living together at the time of his death? A Yes,sir
Q Were they living together at the time Amanda was born?
A Yes,sir.
Q Were they generally acknowledges in the neighborhood in which they lived as man and wife? A Yes,sir.
Q Was she ever called anything but Beck? A No, sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of Amanda Beck is not found of record therein.

Q Never was called Amanda Sheppard? A No, sir.
Q Who raised this child, its mother? A Yes,sir
Q And she is child alive? A Yes,sir
Q Is she here? A. Yes,sir.

Mr. W. H. Hastings:

Q Has she married since? A Yes,sir
Q What is her name now A Widdy now.

Commissioner:

Q Did the mother raise this child? A Yes,sir
Q Has the mother got this child now? A Yes,sir
Q Why didn't the mother enroll this child? A She didn't know whether she could; she couldn't draw its money.
Q Did you draw the strip money for this child? A Yes,sir.

Amanda Beck---2--

The Kerns-Clifton Pay Roll of the Freedmen of the Cherokee Nation examined and the name of Amanda Beck appears on page 74, No. 1864, Amanda Beck, Illinois District.

The applicant applies for the enrollment of her ward Amanda Beck. She avers she is the child of Dence Beck, a Cherokee Freedman, and the name of Dence Beck is found upon the authenticated roll of 1880; satisfactory proof is made as to his marriage to the mother of Eliza, one Eliza Sheppard, and the name of Amanda is not found upon the census roll of 1896, but is found upon the pay roll of 1894. She is duly identified and makes satisfactory proof as to residence, consequently Amanda Beck will be listed for enrollment as a Cherokee Freedman.

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The undersigned, being duly sworn, states s that as stenographer to the Commission to the five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger

Subscribed and sworn to before me this 10th day of April, 1901.

(S E A L) (Signed) M. D. Green
Notary Public

-o-o-o-o-o-l-o-s-o-o-o-o-o-o-

Lucy W. Bowman, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes she made the above and foregoing copy and that the same is a full and correct copy of the original transcript, now on file with the Commission.

Lucy W. Bowman

Subscribed and sworn to before me this 22nd day of November 1904.

J. Maupin
Notary Public.

R
Cher Freed

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 25, 1902.

In the matter of the application of BESSIE BIRDSONG, for the enrollment of herself as a Cherokee Freedman:

BESSIE BIRDSONG, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Bessie Birdsong.
Q How old are you ? A Eighteen years old.
Q Do you make application for the enrollment of yourself as a Cherokee Freedman ? A Yes sir.
Q What is the name of your father ? A Dempsey Nash.
Q Is he living ? A No sir, he's dead.
Q What is the name of your mother ? A Lina Nash.
Q Is she living ? A Yes sir.
Q Was your father a Cherokee Freedman ? A Yes sir.
Q What is your mother, a State woman ? A Yes sir.
Q Do you apply for anyone besides yourself--have you any children ?
A No sir, I have none; just myself.
Q What is your post office address ?
A Clarksville is my post office address.
Q Is that in the Creek Nation ? A Yes sir.
Q Where were you born ? A Fort Gibson.
Q How long have you lived in the Cherokee Nation ?
A I have been there all my life.
Q How long have you been living in the Creek Nation ?
A I just moved there last January.
Q Have you ever drawn any money as a Cherokee Freedman ?
A Yes sir.
Q When ? A Not this last one.
Q Did you ever draw any ? A The one before the last one.
Q The Wallace payment ? A Yes sir; the one before the last.
Q Have you any brothers ? A Yes sir, I have one.
Q Older or younger than you ? A Older.
Q Any sisters ? A Yes sir, one.
Q Is she living ? A Yes sir.
Q Is she older than you ? A No sir, she's younger.
Q Has she been enrolled by this Commission ? A Yes sir.
Q When ? A Last spring when you were at Fort Gibson.
Q What is her name ? A Mandy Nash.
Q What was your mother's name ? A Lina Riley.
Q Ever have any other name ? A Lina Nash.
Q Ever known by any other name ? A No sir, that's all.
Q Your sister and yourself have the same father and mother ?
A Yes sir.
Q Did you ever know a woman by the name of Lina Shepherd ?
A My mother went by the name of Lina Shepherd before she was married.
Q Why didn't you draw at the last payment ? A I don't know; my mother somehow or another didn't look after it. I didn't draw at all. My sister drawed. She never did work after it nor nothing. I never did get anything at all.
Q What is the name of your brother ? A George White.
Q He had a different father ? A Yes sir.
Q Did you ever have any other brother's ?
A Yes sir, Alex Nash.
Q Is he living or dead ? A He's living; he's only a half-brother.
Q Who were you living with when this Wallace money was paid ?
A I was staying with someone.
Q What name was she going by at that time ?

A My papa was living then.
Q Who were you living with ? A With my father and mother.
Q How long has your father been dead ? A He has been dead about ten years, I think.
Q How long has your mother been named Riley ?
A Well she married him in 1894.

The Commission: It appears from the authenticated Cherokee roll of 1880 that the applicant's father is identified thereon at page 508, # 69, on Dennis Book, Illinois District.

Q Is there anybody here who knows anything about the marriage of your father and mother ? A No sir. She was aiming to come today.
Q Who is Rachel Ward ? A My auntie.
Q A full sister of your father ? A Yes sir.
Q Who were you living with when this strip money was paid out ?
A My mother.
Q What was her name then ? A Elsie Riley.

Examined by W. W. Hastings:

Q Where does your mother live ? A She stays four miles this side of Fort Gibson.
Q On this side of the river ? A No sir; on the other side.
Q How old are you ? A Eighteen.
Q Are you married ? A Yes sir.
Q Why didn't you apply over there at Fort Gibson while we were there ? A Well, I don't know; my mother never did speak into it; she's an uneducated person, and after she been I didn't get on she didn't pay any attention to it, and after I have got on up in age I think I ought to get on too. My sister got on so easy and all, and I thought I would try.
Q And your name has never been on any of the rolls ?
A Yes sir, I drawed some time.
Q You say you had an elder brother ? A Yes sir.
Q Same father and same mother ? A No sir; but the same father, but the same mother.
Q How about the younger one, the same father and same mother ?
A Yes sir. The same father and mother too.
Q Do you know when your father and mother were married ?
A No sir.
Q You don't know ? A No sir.
Q Never heard them say ? A No sir, I never heard them say.
Q What name did you always go by before you were married ?
A Bessie Beck.
Q Known by everybody by that name here ? A Yes sir.
Q Where were you born ? A Fort Gibson.
Q Always lived right there ? A Yes sir, been there all my life.
Q Why is it you say you didn't apply when you were there for some long months ? A My mother didn't seem there to pay attention; and I thought whatever she done was right, and so she didn't and I didn't either.
Q How long has your father been dead ? A About ten years.
Q Where did he die ? A Near Fort Gibson, Fort Gibson is our post office.
Q You have but one younger brother or sister ?
A Have one brother and one sister. The brother is older than I am and my sister is younger than I am. I have [illegible] brother named Alex Beck, and another one, not a full brother, I mean George Vann.
Q What is your mother's name ? A [illegible]
[illegible] name.

Cherokee Book -4-

The Commission: Applicant's father is identified on the Dawes roll of Cherokee Freedmen, on page 48, # 949, on Dawes Book, Illinois District. Applicant is not identified on any of the tribal rolls of the Cherokee Nation now in the possession of the Commission.

Final judgment as to the application of Dayrie Stevens for the enrollment of herself as a Cherokee Freedman will be suspended, and her case will be placed upon a docketed case awaiting further consideration by the Commission.

Applicant will be allowed thirty days from the date hereof in which to furnish the Commission with such additional evidence as she may deem necessary.

E. C. Bagwell, on oath states that, he is stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this September 2, 1902.

B C Jones

Notary Public.

E.
Cher. Fr. D-1335.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 30, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of CAROLINE WHITMIRE as a Freedman citizen by intermarriage of the Cherokee Nation.

TOM WHITMIRE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Tom Whitmire.
Q How old are you? A About forty.
Q What is your post office address? A Hayden.
Q Are you a Cherokee Freedman? A Yes sir.
Q Have you been enrolled by this Commission as such? A Yes sir.
Q For whom do you desire to make application?
A For my wife, Caroline Whitmire.
Q How old is your wife? A She is about forty-three.
Q Her post office address is the same as yours? A Yes sir.
Q In what district does she live? A Coowescoowee.
Q Do you make application for her enrollment as a citizen by intermarriage? A Yes sir.
Q You claim citizenship for her by reason of her marriage to you?
A Yes sir.
Q When were you married to her? A About eighteen years ago.
Q Have you your marriage license and certificate with you?
A No sir, haven't got any. Married by a preacher, and haven't got any.
Q You have no witnesses at present as to your marriage with her?
A I could get witnesses that I have been living with her eighteen years, here in town.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A Yes sir.
Q How many times was she married before she married you?
A I don't know whether it is once or twice. I think it was twice.
Q What was the name of her first husband? A Watson.
Q What was the name of her second husband? A Lynch.
Q Was Watson living when she married Lynch? A I don't know. She was in the states then when she had this Watson.
Q Were either Watson or Lynch living when she married you?
A I don't know. Lynch was living. I don't know anything about Watson.
Q Had your wife been divorced from Lynch and Watson when you married her? A I suppose she was.
Q Have you any evidence of her divorce from them? A No sir.
Q When were you and your wife Caroline married? ?
A As near as I can tell, about along in the spring of the year. I think it was about eighteen years ago, something like that, eighteen or nineteen. I don't know whether it was in 1883 or 1884, somewhere along there.
Q Have you and your wife lived together matrimonially since your marriage? A Yes sir.
Q Does your wife's name appear upon any of the rolls of the Cherokee Nation? A I don't think it does.
Q Have you any children by your present wife Caroline?
A No sir. It may appear upon the Government census roll, but I don't think it appears upon any of the Cherokee rolls at all. Because I tried to enroll her in 1896, and the census taker in that district said I could not accept a person from the States. Against the Constitution or something like that, so I didn't urge him to put it down. I just let it go. I had my own name registered.
Q Your wife is living, is she? A Yes sir.

Chas. Fr. D-1335----2.

Wm. Hutchinson, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 10th day of September, 1908.

John M. Rogers
Notary Public.

Cherokee Freedmen D-1335

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Birdsong as a Cherokee Freedman.

D E C I S I O N.

The record herein shows that on August 25, 1902, Bessie Birdsong appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Cherokee Freedman. A copy of the testimony taken at Fort Gibson, Indian Territory, April 9, 1901, in the application of Amanda Beck for enrollment as a Cherokee freedman, case No. 295, is filed herewith and made a part of the record in this case.

The evidence herein shows that one Dempsey Beck, deceased, a Cherokee Freedman, and who is duly identified on the Cherokee authenticated tribal roll of 1880, is the father of the applicant, Bessie Birdsong; that the said Bessie Birdsong, nee Beck, was born since 1880, and has continuously lived in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Bessie Birdsong should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
APR 19 1905

Cherokee Freedman D-1535.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Birdsong as a Cherokee Freedman.

-:O:-

O R D E R .

It is ordered that copies of the testimony taken at Fort Gibson, Indian Territory, April 9, 1901, in the application of Rachel Ward for the enrollment of Amanda Beck as a Cherokee freedman, Case C.F. No. 295, be filed with, and made a part of the record in the application of Bessie Birdsong for enrollment as a Cherokee freedman, Case No. C. F. D-1535.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner

Muskogee, Indian Territory.
NOV 22 1904

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C M M K

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D 1336.

Muskogee, Indian Territory, November 25, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the testimony taken at Fort Gibson, Indian Territory, on April 9, 1901, in the matter of the application for the enrollment of Amanda Beck as a Cherokee freedman, together with an order of the Commission signed by Tams Bixby, and dated November 22, 1904, making the same a part of the record in the matter of the application for the enrollment of Bessie Birdsong as a Cherokee freedman.

Respectfully,

Chairman.

Rec. D-J.

DBA

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
D-1838.

Muskogee, Indian Territory, April 19, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1906, granting the application for the enrollment of Bessie Birdsong as a Cherokee freedman.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Incl. S-16

Cher. Fr. D-1336

Cher. Fr. D-1336

R
Cher Freed

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 26, 1902.

In the matter of the application of SALLIE CARTER, for the enrollment of herself and her two children, Ernest and Trudie Carter, as Cherokee Freedmen:

SALLIE CARTER, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Sallie Carter.
Q How old are you ? A I don't know exactly.
Q About how old ? A About forty.
Q What is your post office address ? A Fort Smith.
Q You make application for the enrollment of yourself as a Cherokee Freedman ? A Yes sir.
Q Do you apply for anyone besides yourself ?
A I have two children.
Q What is the name of the eldest one ? A Ernest Carter.
Q What is his age ? A Thirteen.
Q What is the name of the next child ? A Trudie.
Q How old is she ? A She's eleven.
Q Is that all ? A Yes sir.
Q They are both living ? A Yes sir.
Q Both your children ? A Yes sir.
Q Living with you ? A Yes sir.
Q What is the name of their father ? A Frank Carter.
Q Is he living ? A Yes sir.
Q Is he a State man ? A Yes sir.

--Kerns-Clifton roll, page 135, # 3348, Sallie Carter, Tahlequah District;
--Kerns-Clifton roll, page 135, # 3349, Ernest Carter, Tahlequah District;
--Kerns-Clifton roll, page 135, # 3351, Trudie Carter, Tahlequah District;

Q Where were you born ? A In Flint.
Q In the Cherokee Nation ? A Yes sir.
Q How long did you continue to reside there after your birth ?
A I can't tell you how long.
Q Did you leave the nation during the war ? A Yes sir. No, I was here, I suppose, during the war, I was small.
Q Did your parents leave the nation during the war ?
A I don't know whether they did or not.
Q Where were you living when you first remember ?
A I was living in Sequoyah, I believe it was called. It was in the nation.
Q How long did you continue to live there ?
A I lived there until I was good sized; grown.
Q Where did you go then ? A I have been in the nation off and on since.
Q I asked you where you went when you left the Nation the first time ? A I went into the State.
Q What State did you go to ? A Went out in Fort Smith.
Q How long did you stay there ? A I stayed there sometimes three or four weeks at a time.
Q You mean to say you never stayed in Fort Smith longer than that at any one time ? A Sometimes I would go over and work.
Q How long would you stay ? A Sometimes I would be gone three or four months.
Q Where is your husband ? A He's at Fort Smith.
Q What is he doing ? A Working.

Q How long has he been there ? A About twelve months I guess.
Q Where was he before that time ? A Kansas City, and different places working.
Q Has your husband ever lived here in the Cherokee Nation ?
A He lived here a while.
Q How long ? A Never lived here no great while, probably four or five or six months at a time.
Q When ? A Its been two or three years ago.
Q Is that the only time he ever worked here ?
A No, that aint the only time. He came over and picked cotton.
Q Where were you married ? A In Sequoyah.
Q Who married you ? A Oh Lord, I have forgotten its been so long.
Q Have you got a home in the Cherokee Nation ?
A No sir, I haven't.
Q Ever keep house here ? A Yes sir.
Q When ? A No sir, not to keep house for myself.
Q You never did keep house here did you ? A No sir, we stayed with my brother.
Q Never kept house with your husband ? A No sir.
Q Where was Ernest born ? A In Sequoyah.
Q What is the name of your father ? A Willis Rider.
Q Living or dead ? A He's dead.
Q What is the name of your mother ? A Jessie Thompson.
Q Who living or dead ? A Dead.
Q Who did your father belong to ? A Old lady Rider.
Q Your parents both belonged to Cherokee Indians ? A Yes sir. One belonged to old lady Rider, and mother belonged to John Thompson Adair.

Examined by W. W. Hastings:

Q Who were your neighbors down in Sequoyah when you first remember? Was that where you were when you first remember ? A Yes sir.
Q Who were you with ? A With different people.
Q Who do you first remember ? A The first one I remember was old lady that's dead, they called her aunt Phoebe.
Q Phoebe what ? A Mayfield, I believe her name was.
Q Was that close to Mound City down there in Sequoyah ?
A I don't know; don't remember.
Q Don't you remember Mound City, in Sequoyah District?
A I always called it Sequoyah, that's what I called it.
Q Was there any towns down in there at all ? A No sir.
Q Never heard of any ? A Not close to where I lived.
Q People never went after any sugar, or coffee nor anything out there? A There were none close to where I lived.
Q You mean to say you have lived there all the time, and there are no towns down there? A I said when I was small there were no towns down there.
Q Did you live on the prairie, or the mountains, or near a river, when you were small ? A The nearest river was the Arkansas.
Q How far did you live from the Arkansas ? A It must have been five or six miles.
Q Do you remember what direction from where you lived it was to the Arkansas River ? A No sir.
Q Don't know whether it was North, East, South or West ?
A No sir. I couldn't see from here.
Q From where you lived I mean ? A No sir, I can't say.
Q How old were you when you left that place down there ?
A I don't know.
Q Do you live at that same place yet ? A No sir.
Q Don't you remember who married you ? A No sir, his name was Williams, or something like that, but I disremember the other part.

Q Was he a Judge ? A He was called a preacher.
Q How long have you been married ?
A Been married about thirteen or fourteen years.
Q That's the first time you were ever married ? A Yes sir.
Q Both these children of this husband ? A Yes sir.
Q Where are they now, these children ? A They are at Four Mile Branch, Tahlequah, right above Fort Gibson.
Q How far from there ? A About five miles.
Q When did they go there ? A Been there about a month.
Q Where did they go from there ? A Smith.
Q Fort Smith ? A Yes sir.
Q Been keeping house down at Fort Smith ? A No sir, been sick.
Q Who cooks for you ? A My whom I am well.
Q Well you have got a house to cook and live in ?
A I got a house to live in although I don't own no house.
Q You live there ? A Yes sir.
Q How long you been living in that house ?
A In that house; I been there about four or five months, or longer.
Q What is the number of your street down there at Fort Smith ?
A Fifth street.
Q House not numbered ? A Number 17.
Q Weren't these two children born there ? A No sir.
Q At whose house was Ernest born ? A He was born on this side.
Q At whose house ? A Why at this same old lady's that I called "Auntie", not this old lady's, but the one next door where I lived, I can't think of their names, it's been so long.
Q What were you doing over there ? A I stayed over there sometimes, and sometimes I am up here.
Q Do you mean to tell the Commission that you lived at a woman's house you have been so familiar with her that you had two children born at her house, and you don't remember her name ? The woman at whose house this oldest child was born, what was her name?
A They were both born at the same place, if I think of the name I will tell you.
Q Any kin to you ? A No sir.
Q Where was your husband when these children were born ?
A He was there at the house.
Q At the house ? A He wasn't at the house, he was at work.
Q Where was he living ? A He worked on the other side of the river at that time.
Q Near what town was this woman living when these children were born ? A Near Smith than any other town.
Q Who were your neighbors--who were this woman's neighbors at whose house these children were born ?
A All old folks the people that lived around there, them some have moved away, and some are dead.
Q Do you think of any single person living there in that community?
A She had some daughters.
Q Tell us some neighbors ? A They were neighbors.
Q You don't remember their names ?
A I remember Turner Whitmire, I think he lived near there.
Q How far did he live from you ? A I don't know.
Q Never saw him did you ? A Oh my, yes.
Q How old a man is he ? A He's a settled man.
Q Is he as much as twenty ? A He's more than that.
Q How far were you from Fort Smith when these children were born ?
A I guess five or six miles.
Q What direction from Fort Smith ? A It's across the river.
Q You don't know whether it is north, east, south or west ?
A I call it kinder south. It's me in this direction.
Q In that north, east, south or what ? A I call it south.
Q No towns around there at all ? A No town right close there.

Q What sort of house did this woman live in ?
A They all lived in log houses at that time.
Q When these children were born ? A Yes sir.
Q Didn't have any field ? A Not much at that time.
Q What were you doing over there at that woman's house ?
A What was I doing there ?
Q What were you doing over there when the children were born ?
A I told you I was staying over there.
Q Why were you staying there if your husband wasn't there ?
A He supported me and I stayed over there among them all the time.
Q And yet you don't know the woman's name ?
A I told you one was named "Aunt Phoebe".
Q You don't know the name of the woman you stayed with ?
A I think her name was Phoebe Mayfield, I am not sure, and Turner and Starr, and all them down in there.
Q Why didn't you come before the Commission to be enrolled at Fort Gibson ? A I have been sick for about two years. Been under a doctor.
Q What doctor did you have ? A Part of the time and part of the time didn't have one.
Q What doctor did you have ? A I will call his name in a minute.
Q Where did he live ? A He lives in Smith.
Q Fort Smith ? A Yes sir.
Q Has he been doctoring on you for two years ?
A Off and on.
Q Did "Aunt" Phoebe have a well or a spring ?
A I disremember, but I think she had a spring at that time.
Q It's been so long since you have been there you have sorter forgotten ? A She's not living there.
Q That wouldn't change the fact of whether she had a spring or a well? A I don't remember.
Q When you were over there did she have a spring or a well ?
A I disremember.
Q That's the place where two of your children were born ?
A I say I disremember whether she had a spring or a well. It seems to me like we got water out of a spring all the time.
Q You are not certain ? A No sir.
Q When did you ever see Bart Thompson ?
A When was the first time ?
Q Yes ? A I have been seeing him ever since I could remember
Q Does he know where you have been living ? A Yes sir.

BARTLEY THOMPSON, called as a witness, being duly sworn and examined, testified as follows:

Examined by W. W. Hastings:

Q What is your name ? A Bartley Thompson.
Q What is your age ? A I call myself about 53, but Joe told me the other day I was 56, but I have got it down that way, and I just let it go that way.
Q What is your post office address ? A Fort Gibson.
Q Do you know this applicant that has just left the stand ?
A Yes sir.
Q What is her name ? A Sallie Carter, used to be Sallie Thompson, belonged to old John Thompson Adair.
Q What became of her during the war ? A She went south.
Q To Texas ? A Yes sir, went to Texas.
Q What was Sallie's mother's name ? A Jennie.

Q What became of Jencie ? A She died.
Q Where ? A South.
Q When did this woman come back ?
A Along in '66 when I come back, we lived here at Daniel Vann's. She come to her daddy's and he died, and she went to Daniel Vann's.
Q Is Daniel Vann dead ? A Yes sir.
Q Did she come back with her former x owner Nettie Adair ?
A No sir, I think she come with Clark Chambers.
Q She came to the neighborhood of Fort Gibson ?
A Yes sir. She stayed right down there in the bottom.
Q Who raised her ? A She stayed with Daniel a while and then she went down to Sequoyah. Some woman took her off for a nurse.
Q White woman ? A Yes sir.
Q Where did she go from Sequoyah ? A I don't know.
Q How long did she live in the neighborhood of Fort Gibson when she came back ? A She lived backwards and forwards, she stayed at Daniel's a winter season.
Q One season ? A Yes sir.
Q Then she went off to Sequoyah ? A Yes sir.
Q Have you been seeing her since then ?
A Yes sir, been seeing her at times since then.
Q Where did she marry ? A I don't know where she married at all.
Q Do you know her children ? A Yes sir.
Q When did you first see them ? A Ten or twelve years ago.
Q Where did you see them ? A In Sequoyah close to Zack Foreman's.
Q Where was she living ? A She was staying there.
Q At whose house ? A At the house of old aunt Betsy Thompson.
Q Where is this woman living now ? A I don't know; she's been living out on the Branch.
Q How long ? A She stayed out on the Branch last spring, and then she went off down to Sequoyah, and I don't know where she is living right now. I am telling you the truth, I don't know where she is living now.
Q You say she lived at Fort Gibson one season, and went off to Sequoyah ? Did you ever see her after that ? A Yes sir.
Q When ? A About a year. I never travel around much.
Q After that time how long before you saw her again ?
A It might have been two years, I don't know.
Q Was she married the next time you saw her ?
A She said she was.
Q The second time you saw her after the war she said she was married ? A Yes sir, but to say how long I can't tell you that and tell the truth. Her people all died and she was just an orphan girl. Miss Nettie can recommend her to you alright. That's her mistress. She knows when she come back here. I don't know whether she went there or not, all the others did, but I don't know whether she did.
Q Did her mistress go south with her ? A Oh yes sir, we all went south together.
Q Did you come back with Mrs. Adair ? A No sir.
Q Did she come back ahead of you or afterwards ?
A We and my old boss were a little ahead of them.
Q Did you ever see this applicant down in Sequoyah district keeping house ?
A Yes sir, she was keeping house, but to say whether it was hers or rented, I can't.
Q Where was that ? A About two miles from Zack Foreman's.
Q How many times have you seen her in Sequoyah ?
A Four or five times.
Q Did she have any children then ? A I think she had. I stayed there at several gatherings down there and she had some children then

Q You just saw her at gatherings ? A Yes sir.
Q Do you know what her husband does ?
A I think he is working on the --I can' tell what it is. I know him good, he is following working on the railroad.
Q Don't you know that this woman lived in Fort Smith ?
A I haven't been down there since she's been living there, but her husband just works about
Q Didn't she tell you she is living at Fort Smith ?
A I don't know anything about that. I wouldn't swear that.
Q You wouldn't ? A No sir, I can't do it Mr. Hastings at all.

SALLIE CARTER, the applicant, re-called, testified as follows:

Q Do you remember your old mistress' name ? A Yes sir.
Q What was her name ? A Nettie Adair.
Q Did you ever see her after the war ? A Yes sir.
Q Where did you see her ? A No, I don't believe I have. I don't believe I have saw her.
Q Since the war ? A I don't believe I hav-
Q Did you ever see your young mistress there c any of her children since the war ? A Yes sir, I saw one.
Q What was his name ? A I saw one of the boys.
Q What was his name ? A Oscar Adair.
Q Where was he living ? A He was living at Sallisaw; he said he was living at Sallisaw.
Q How far do you live from him ? A I don't know. I don't know how far he was from me, only what he said. I asked him where he was living, and he said about five miles from Sallisaw.
Q How long was it since you saw him ?
A I don't know, it's been a long time, since I saw Oscar.
Q Did you ever see Dave Faulkner's wife, Vinnie ? That was your young mistress ? A No sir, haven't saw any of them.
Q Never saw Charles Starr's wife, Ruth ?
A I have when I was younger.
Q Since the war, I mean ? A No sir, if I saw her I don't remember. He told me where they was all living.
Q Did you ever see Zack Foreman since the war ?
A There is one Zack Foreman down at--
Q I am asking you if you have seen a colored man named Zack Foreman in Sequoyah District since the war ? A I have saw one.
Q Is he a Cherokee ? A Yes sir.
Q Did you ever see a colored man by the name of Zack Foreman down in that country ? His name is Zack Foreman, a colored man ? Did you ever live with him ?
A No sir, not right near him that I know of.
Q Did you ever know where he lived ?
A I don't know how many miles it is.
Q Were you ever at his place ? A Yes sir.
Q Did you live within two or three, or eight or 10 or fifteen miles of him ? A It was about seven or eight miles I reckon from where I was to his house.
Q Never lived in a house of your own down there ? A No sir.
Q Never lived in a rented house ? A No sir.
Q Always lived with somebody ? A Yes sir.
Q Don't remember whose house that was that you lived with ?
A I told you I lived with "Aunt" Phoebe.
Q That the only person ? A And her children.
Q Do you remember any of her children's names ?
A One named Henry, and seemed to me other was named Jenny. The other children that have growed up since then I don't know them.

Q Do you know whether that was Mary Mayfield or Nancy Mayfield, or what ? A I think Nancy goes by the name of Starr. They change names so often I can't keep up with their names
Q Do you ever remember seeing an old colored man named Daniel Vann? A Yes sir.
Q You remember him do you ? A Yes sir.
Q Where did he live ? A Daniel Vann?
Q Yes ? A Daniel Vann's dead.
Q Where do you ever remember seeing him ? A I saw him at Fort Gibson the last time I saw him.
Q When was the first time you ever saw him ?
A I saw him when I was quite young.
Q Did you ever live with him ? A Yes sir, I stayed around with them a while, we all lived around together there.
Q Were you ever at the town of Hanson ? A No sir.
Q Did you ever hear of it ? A Yes sir.
Q Were you ever at Muldrew ? A Yes sir.
Q You have been in the town have you ? A Yes sir.
Q How how far did you live from Muldrew ? A Muldrow, I don't know; about six or seven miles I guess, the way I look at it.
Q Which way did you go; what direction did you live from there ?
A I can't hardly tell you that.
Q You say you have been over at Fort Smith keeping house on Fifth street ? A Yes sir, I stayed there.
Q How long did you say you have been there this time keeping house over there ? A I didn't say how long. You asked me how long I have been in that house.
Q I will ask you again? A I have been there five months I guess.
Q Where did you go from to Fort Smith ? A From this side.
Q At whose place were you living before you went to Fort Smith ?
A I was at Fort Gibson part of the time.
Q At whose place ? A Hanson Jones'.
Q How long had you been living with Hanson Jones ?
A I don't know. Off and on for quite a while.
Q About a month ? A Yes sir, longer than that. How long I been living at Jones' ?
Q This last time before you went to Fort Smith ?
A I don't know.
Q Live there as much as a year ? A Yes sir. Sometimes there and sometimes at my brother's, they were all right there together.
Q What's his name ? A Anderson Penn.
Q Where was your husband all this time ? A Sometimes in Joplin, Missouri, and sometimes in Kansas City.
Q What was he doing ? A Working.
Q What kind of work ? A Working at a packing house.
Q Were you ever in Kansas City ? A No sir.
Q Joplin ? A No sir.

By the Commission: Have you got any more witness now you want to introduce ?
A No sir, I haven't got any more now.
Q Are you going to have any more ? A No sir, no more that I know of.

The Commission: The applicant and attorney for the Choctaw Nation will be allowed sixty days from date hereof in which to introduce any testimony that they may deem necessary.

[illegible] Boswell, [illegible] as shorthand writer to the Commission [illegible] Civilized Tribes, has correctly reported the proceedings had in the above entitled cause, and that the foregoing is a correct transcript of his stenographic notes thereof.

[illegible]

[illegible]

[illegible]

W. S. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

W S Bagwell

Subscribed and sworn to before me this September 2, 1903.

B O Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 12, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SALLIE CARTER, ET AL/? as Cherokee freedmen.

APPEARANCES:
For Applicant, No Appearance.
For Cherokee Nation, W. W. Hastings.

The following testimony was introduced on behalf of the Cherokee Nation.

OSCAR ADAIR, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Oscar Adair.
Q What is your post office? A Sallisaw, I. T.
Q What is your age? A 58.
Q You are a Cherokee by blood? A Yes sir.
Q Were you the son of John Thompson Adair? A I am.
Q Do you remember whether or not they owned a freedman woman by the name of Jincy? A Yes sir.
Q Did Jincy have some children? A Yes sir.
Q What children did she have when the war came up? A She had Cy, the eldest boy, Sib, Sallie and I have forgot the last ones. She had two girls younger than Sallie, a little girl.
Q I want to direct your attention particularly to Sallie, what became of Jincy and the members of her family when the war came up? A We refugeed to Texas and took them along I believe in the year 1863, in the fall.
Q What place in Texas did you go? A Bellview, Rusk County.
Q When did you return from Texas after the war? A In the spring of 1866.
Q What became of Jincy and Sallie? A Jincy, with the exception of Cy, the eldest boy, was all left in Texas when we left there.
Q Sallie left there to? A Yes sir, all left there except Cy.
Q Where did you come to in the Cherokee Nation? A We came to Eufaula and stopped over until the fall of '66 then we moved back to our old claim in Goingsnake District, Cherokee Nation.
Q Did you afterwards have occasion to go back to Texas? A I had an occasion to go back in 1868.
Q What time of the year? A I believe it was in August and I stayed there until November.
Q 1868? A Yes sir, of 1868, to the best of my knowledge, I know it was in August when I went there.
Q Did you see Jincy and Sallie when you went back to Texas in 1868?
A I saw Jincy and her family, what she had with her.
Q Did you see Sallie? A I saw Sallie, she was hardly grown.
Q You say you remained there until about November, 1868? A November, about three months ~~xxxxxxx~~ near that.
Q Where were these people living when you were there in 1868? A Not very far from a little town called Bellview on a farm. I don't know who owned the farm but my Uncle did own the farm and he sold it.
Q Did you see them more than once while you were there that two or three months? A Yes sir, I saw them several times.

Q Had they ever come to the Cherokee Nation, either Jincy or Sallie, subsequent to the war and before 1868, so far as you know? A They had never left that country to come to this country at all up until that date. She come to me and inquired of her boy that left there.
Q Which boy was that? A Cy.
Q Jincy had been making inquiries about him? A She was making inquiriesabout that oldest boy of hers.
Q Cy had come here? A He came to Fort Smith with my father in the fall of 1866 to that convention and deserted him and went back.
Q Have you ever seen Sallie since 1868? A I saw her at Fort Smith to the best of my recollection in 1889, about that time.
Q Did you have any conversation with her at that time? A Yes sir, quite a lengthy one, I asked her what had become of all the family and she said they were all in Texas up to that time but her.
Q Did she say how long she had been here? A That she hadn't been there a great while, that she stopped a little while at Little Rock and hadn't been further west than Fort Smith at that time.
Q Had she ever been in the Cherokee Nation at that time? A No sir, never had.
Q About how long did she say she had been there? A She left an impression upon my mind that she hadn't been there more than six months at the outside.
Q That was your best judgment about 1889? A Yes sir.
Q Have you ever seen her since? A Never have.
Q Your post office is Sallisaw? A Yes sir.
Q That is in Sequoyah District? A Yes sir.
Q How long have you lived in that vicinity? A I have been there perhaps nearly 30 years.
Q About how far do you live from Fort Smith, Arkansas? A We used to call it 25 miles, maybe a little further.
Q Previous to the building of these railroads, the first of which was built in 1867, or 1868, your main trading point was what?
A We had a little store up there but our main trading point was Fort Smith, we used to get stuff for our store there.
Q But your main trading point was Fort Smith? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Are you a Cherokee by blood? A Yes sir.
Q Your father was a Cherokee by blood? A Yes sir.
Q Citizens of the Cherokee Nation at the breaking out of the war?
A Yes sir.
Q Was Jincy ever known by any other name? A We called her for short, called her Jence, sometimes we called her Jennie.
Q Was she known by any other name besides Jennie Thompson? A Not to my knowledge.
Q You never heard her called by any other name? A No sir.
Q Do you know the name of the father of her child Sallie? A Yes sir, he belonged to Gus Rider, and his name was Wilse.
Q In what District did your father live at the breaking out of the war? A Goingsnake District.
Q By what name was Sallie known when you met her in Fort Smith the first time after the war? A I don't remember, but she told me her husband's name.
Q Did she say she was married? A She said she had been married, and to the best of my recollection she told me she had one child but I don't exactly know now for certain.
Q You left the State of Texas with your father in the spring of 1865? A 1866.
Q And Sallie was left there when you came away? A Yes sir, with her mother Jincy.

Q Do you know where she went after you left? A Where she went from Texas?
Q Yes? A We left her there and I don't know whether she went anywhere.
Q She was there when you returned after that? A Yes sir, she was there in 1868?

W I T N E S S E X C U S E D .

W. T. HARNAGE, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q Your name is W. T. Harnage? A Yes sir.
Q How old are you? A 58.
Q What is your post office? A Tahlequah.
Q You are a Cherokee by blood? A Yes sir.
Q Did you know John Thompson Adair prior to the war? A Yes sir.
Q Were you in any way related to his wife? A Yes sir, she was my Aunt.
Q Did you know them in Texas during the war? A Yes sir.
Q Did you know a slave that belonged to them when the war came up by the name of Jincy? A Yes sir.
Q Did she have some children? A Yes sir, had two or three.
Q Do you remember any of their names? A She had one by the name of Cy, and a boy named Sid, I think, and Sallie and some more children, I don't recollect all their names.
Q When did you leave the State of Texas first after the war? A I left there in the fall of 1866.
Q Do you know where Jincy and these children were when you left?
A Yes sir, they were there in Texas.
Q Did you have any occasion to go back to Texas after you came back here in the fall of 1866? A Yes sir, I went back the next spring, April or May.
Q Of 1867? A Yes sir.
Q Did you see Jincy and the members of her family upon your return to Texas in 1867? A Yes sir, they were there.
Q Do you remember of seeing Sallie? A Yes sir, she was there with her mother.
Q How long did you remain in Texas when you went back in 1867? A I stayed there then until about 1871 or '72.
Q Do you know what became of Jincy and Sallie and the other members of her family? A They moved off from the neighborhood and I don't know what become of them after that, but they stayed in that neighborhood a few years and then moved off up about Oakland.
Q That was in Texas? A Yes sir.
Q You say they stayed in that neighborhood a few years? A Yes sir.
Q Have you ever seen Sallie since? A No sir.
Q Well when you came back in 1871 or '72, about what part of the Cherokee Nation did you come and where did you locate? A Sequoyah District, close to Fort Smith.
Q About how far from Fort Smith? A About three miles.
Q In the bottom on this side? A Yes sir.
Q And how long did you live down in that locality? A I lived there 8 or 10 years.
Q You never saw Sallie there? A No sir.
Q You lived there then until somewhere up about 1880? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Do you know what Sallie's name is at the present time? A No sir.

Q Do you know of your own knowledge whether she left the State of Texas and returned to the Cherokee Nation in 1866? A I don't think she did.
Q If she did you don't know it? A No sir.
Q Was her mother known by any other name besides Jinny? A That is all I ever knew her by.
Q By what surname was she known? A Well I don't know what surname she took.
Q Did you know the name of Sallie's father? A No sir.

WITNESS EXCUSED.

The Cherokee nation announces it has no further testimony to introduce in this case, this case will be closed and a decision rendered on the evidence heretofore introduced.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 31st day of July, 1906.

Chas E. Webster
Notary Public.

OTG

Cherokee freedman D 1336

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sallie Carter, et al., as Cherokee freedmen.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on August 28, 1902, Sallie Carter appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and minor children, Ernest and Trudie Carter, as Cherokee freedmen. The records further show that said applicants and the attorneys for the Cherokee Nation were notified by registered mail on June 21, 1906, that the case would be taken up for further consideration on July 12, 1906, and that on July 12, 1906, further proceedings were had at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Sallie Carter, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during said rebellion she was taken from the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. The evidence further shows that the minor applicants herein, Ernest and Trudie Carter, are children of the said principal applicant, Sallie Carter, and one Frank Carter, a non citizen of the Cherokee Nation; that they were born since the close of the rebellion and possess no rights to enrollment as Cherokee freedmen other than as descendants of their said mother.

IT IS THEREFORE ORDERED AND ADJUDGED: That under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) Sallie Carter, Ernest Carter and Trudie Carter are not entitled to enrollment as Cherokee freedmen and their application for enrollment as such is accordingly denied.

ENROLLED. Tams Bixby.

Commissioner.

Dated at Muskogee, Indian Territory

this OCT 6 1906

Oak Grove P.O.
July 2nd/906

Hon. James M. Keys

Sir:- In reply to your
Inquiry will say I Consulted
my Mother about the Colored woman
by the name of Sallie Carter,
She says that her Statement
in regard to her age that
she is about might she
was borned about the beginning
of the Civil war. and that
her Mothers name was Jinsy
and that She owned Jinsy
and taken them to Texas
and left them in Texas

And. Jersey Died in. Texas
abot 10 or 12 years ago
and She thinks that Sallie
Carter never come to this
Country untill after her Mother
death. My Mother says that
to refer you to Mrs. Riddle
Bunge Ft Gibson I.T. Who
knows the exact time or date
when She came from Texas
She says that She knows
that She never Came to this
Country in 66 as She claims.
Respt- Sam H Adair
Oak Grove I.T.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D 1336

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 21, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that Gallie Carter of Fort Smith, Arkansas, has this day been notified that she will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, July 12, 1906, and introduce such testimony as she desires tending to show the right of herself and children to enrollment as Cherokee Freedmen.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires, in this case.

Respectfully,

L M B

Commissioner

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D 1336

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 1, 1906.

W. W. Hastings,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, July 12, 1906, in the matter of the application for the enrollment of Sallie Carter, et al., as Cherokee freedmen.

Respectfully,

Commissioner.

Incl. CL-21.
CHL

REFER IN REPLY TO THE FOLLOWING:
Cherokee
F.B.1336

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 4, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated, October 3, 1906, rejecting the application of Sallie Carter, for the enrollment of herself and children, Ernest and Trudie Carter, as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been forwarded to the Secretary of the Interior for his review and decision. The Secretary's action will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Encl. H.J.-81.
H.J.C.

COPY

Refer in reply to the following

LAND:
95554-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

January 26, 1906.

The Honorable,
The Secretary of the Interior.
Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated October 6, 1906, transmitting the record relative to the application of Sallie Carter, et al., for enrollment as Cherokee freedmen.

On August 26, 1902, Sallie Carter applied to the Commission to the Five Civilized Tribes for the enrollment of herself and her children, Ernest and Tradie Carter as Cherokee freedmen.

On October 6, 1906, the Commissioner held that the applicants were not entitled to such enrollment.

The record shows that Sallie Carter was a slave of a Cherokee citizen and at the commencement of the civil war was taken from the Cherokee Nation and did not return to that nation within the time specified in section 2 of the act of April 26, 1906 [34 Stat. L., 137].

As the minor applicants are the children of Sallie Carter and Frank Carter, a non-citizen, and were born since the close of the civil war and possess no right to be enrolled as Cherokee freedmen other than that derived from their mother, the decision

If the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

KMD

C

CRW

DEPARTMENT OF THE INTERIOR, LHB

WASHINGTON.

I.T.D.1780-1907.

February 8, 1907.

I.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 6,1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Emilie, Ernest, and Trudie Carter as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 26, 1906 (Land 89556), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee P.
P 1336.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 19, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 6, 1906, denying the application for the enrollment of Sallie Carter, et al. as Cherokee freedmen was affirmed by the Secretary of the Interior, February 8, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-100.
HJC

Commissioner.

Cher.Fr.D-1337

Cher.Fr.D-1337

Cherokee Freedman
D-1337

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Caroline Whitmire for enrollment as a citizen by intermarriage of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on August 30, 1902, Tom Whitmire, appeared before this Commission at Tahlequah, Indian Territory, and made application for the enrollment of his wife, Caroline Whitmire, as a citizen by intermarriage of the Cherokee Nation.

The record herein shows that Caroline Whitmire claims her right to enrollment as a citizen by intermarriage of the Cherokee Nation by virtue of her marriage to Tom Whitmire, whose name (as Thomas Whitmire) appears as No. 8365 upon the lists prepared by this Commission of persons entitled to enrollment as Cherokee Freedmen, and approved by the Secretary of the Interior January 16, 1903.

The record further shows that the applicant herein makes no claim for enrollment as a citizen of the Cherokee Nation other than by intermarriage.

It does not appear that the applicant herein has ever been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Welcome, (I.T.D.5848-1904, 11776-1904), the application made for the enrollment of Caroline Whitmire, as a citizen by intermarriage of the Cherokee Nation, should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breathitt.
Commissioner.

Muskogee, Indian Territory,
MAY 19 1905

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

964

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-1337.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 30, 1905, rejecting the application for the enrollment of Caroline Whitmire as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-15.

(C O P Y)

Land
24967-1905.

D E P A R T M E N T O F T H E I N T E R I O R,

OFFICE OF INDIAN AFFAIRS,

Washington, April 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 30, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation, by Caroline Whitmire.

March 30, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant claims right to enrollment by virtue of her marriage to Tom Whitmire, whose name appears as No. 2363 on a list of Cherokee Freedmen approved by the Department January 16, 1903. She makes no claim for enrollment other than by intermarriage.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

W.M.W.
W.

(C O P Y)

D.C.53539-1905. Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB.

I.T.D.3628-1905.
L.R.S.

December 3, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 30, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Caroline Whitmire as a citizen by intermarriage with a Cherokee freedman, including its decision of the same date, adverse to the applicant.

Reporting April 8, 1905 (Land 24907), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 ins. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
D 1337

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 17, 1906

W. W. Hastings,.
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated March 30, 1905, denying the application for the enrollment of Caroline Whitmire as a citizen of the Cherokee Nation by intermarriage with a Cherokee freedman, was, on December 3, 1906, affirmed by the Secretary of the Interior.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner

Encl. B-82

Cher. Fr. D-1338

Cher. Fr. D-1338

C. F.

Departmentof the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 29, 1903.

In the matter of the application of RICHARD VANN for enrollment as a Cherokee Freedman.

RICHARD VANN, being first duly sworn, testified as follows:

BY COMMISSION: What is your name? A Richard Vann.
Q How old are you? A Sixty-one.
Q What is your post office address? A Muskogee.
Q What district do you live in? A I don't know. I live on Fourth Street, South ourth, #641. I don't know what district it is.
Q Did you ever appear before the Commission before this date and apply for enrollment as a Cherokee Freedman? A Yes sir.
Q When did you appear? A I appeared on the 29th day ofAugust, 1902, I come to Muskogee, that was on Saturday, couldn't do no business Sunday, Monday was Labor Day, and Tuesday I appeared before them.
Q Before who? A Mr. Bixby's Secretary, I guess.
Q Appeared before the Commission? A Yes sir.
Q What did you do then? A He told me I was too late to be enrolled
Q Told you that they couldn't take your application for enrollment as a Cherokee freedman at that time? A Yes sir.
Q Did they tell you anything else? A No sir, they said I was too late, that's all. I told him I had a letter from Mr. Bixby notifying me to come.
Q Have you got that letter? A No sir, I left it in a lawyer's office up at Pocatello, Idaho.Haven't heard from him nor the letter either since.
Q Then you appeared before the Commission and offered to make e application for enrollment as a Cherokee freedman on September 1st, 1902? A Yes sir.

GEORGE MAYFIELD, being first duly sworn on behalf of applicant, testified as follows:

BY COMMISSION: What is your name? A George Mayfield.
Q How old are you? A Forty-two.
Q What is your post office address? A Muskogee.
Q What istrict in the Cherokee Nation do you live in? A I don't live in the Cherokee Nation, I live in this district here.
Q Do you know the applicant, Richard Vann? A Yes sir.
Q Is he any relation of yours? A My half brother.
Q Do you know anything about his having endeavored to make application for enrollment as a Cherokee freedman? A Yes sir.
Q Last year? A Yes sir.
Q What do you know ab utit? A I know he came up here and made application for his enrollment, and they told him he was too,late.
Q Do you know when he came up here and tried to make that application? A It was on the 29th of, the 1st of September.
Q 1902? A MYes sir.
Q How do you know that he came up here at that time and tried to make application for enrollment? A I came with him.
Q You came up here to the Commission's office, did you? A Yes sir
Q Do you remember whether or not the Commission took any testimony in his case at that time, or what they said to him? A All, they told him wasthat he was too late.

NANCY MAYFIELD, being first duly sworn on behalf of applicant; testified as follows:

BY COMMISSION: What is your name? A Nancy Mayfield.
Q How old are you? A I don't know exactly.
Q Are you the wife of George Mayfield? A Yes sir.
Q Do you know anything about Richard Vann having appeared before him the Commission? A I didn't come up with him, but he come up here and sent my husband, last year, on the 1st of September, to make application. I wasn't with them, but I was down at the house.
Q You remember when they came, what day? A It was on the 1st day, I believe, of septembe r.
Q 1902? A Yes sir.

RICHARD VANN, the applicant, recalled.

BY COMMISSION: You want to make application, then for enrollment as a Cherokee freedman? A Yes sir.
Q Are you on any of the rolls of the Cherokee Ntion? A Yes sir.
Q What rolls? A The Wallace roll.
Q Are you on any other rolls? A No sir, not as I know of.
Q Were you the slave of a Cherokee citizen before the war?
A Yessir.
Q Who was your owner? A John Thompso n Adair.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where did you go to? A Texas.
Q When did you return to the Cherokee Nation after the war?
A In '65.
Q Do you remember the exact date? A No sir, I don't.
Q Who did you come back to the Cherokee Nation with? A My master.
Q Who else? A There was lots of colored people come back.
Q Do you remember the names of some of the colored people?
A No sir, I don't now, it hasbeen so lojg.
Q Who were some of them? A My mother, Amos Mayfield, his father, my sister and brother-in-law.
Q What was the name of your mother? A Susie Thompson.
Q What was the name of your father? A Dick Vann.
Q Are either your father or mother living? A No sir.
Q When did they die? A My mother died in '74, I believe it was in '75, I disremember now, somewheres alongthere. My father died here in 1888, up here in Coffeyville, Kansas.
Q Your mother was a Cherokee freedman? A yes sir.
Q And your father? A He was at the time, but they rejected him up at Vinita when he came to register.
Q Who was his owner? A He used to belong to a man by the name of Joe Van n, and he was sold during slavery and was taken to California and stayed away too long.
Q You were not with your father, then, during the war? A No sir.
Q Didn't return with him to the Cherokee Nation? A No sir.
Q What is the name of your sister, whom you said returned at the time you did? A Her name is Mary Nivens.
Q Is she living? A Yes sir.
Q Has she applied to the Commission for enrollment? A Yes sir, she is on the roll.

By Commission: Mr. P. G. Reuter, former Chief Clerk of the Cherokee Enrollment Divisi on of the Commission, was called into the office, and the witness was asked if this was the man he applied to for enrollment when he appeared before the Commission, and he answered that to the best of his knowledge that

was the man. Mr. Reuter states that if this was the man who came from Idaho, that he remembers him, and thinks it was some time about the 1st of September

Q Has your sister any family, husband and children? A Yes sir.
Q What are the names of her children ? A I don't know, couldn't tell them all, they have got thirteen.
Q What is the name of herhusband? A Aleck.
Q Do you recognize these as some of the children, Samuel, Charles, John, Wheeler, June, Amelia - A I don't know Amelia.

By Commission: Applicant's sister and her children have been listedfor enrollment as Cherokee freedmen on Freedman straight card No. 31.

Q When you returned to the Cherokee Nation in 1865, how long did you remain here? A I left, I think it was about four years, as well as I remember.
Q You stayed here about four years? A Yes sir, I worked for Tom McDaniels down here at Fort Gibson.
Q You were a man grown when you returned? A Not exactly, about twenty I should judge.
Q To what place did you return? A To Gibson.
Q Fort Gibson? A yes sir.
Q Remained there about four years, and then where didmyou go?
A Went from there down to Texas and worked in a blacksmith shop down there, and come back.
Q How long did you stay in Texas on that trip? A I guess four or five months.
Q Then returned to the Cherokee Nation? A yes sir.
Q How longmdid you stay in the Nation then ? A I don't remember.
Q About how long? A I suppose something in theneighborhood of a year.
Q Then where did you go? A Colorado.
Q How long did you stay in Colorado? A I was up there about, , I think about three years, if I remember, and when I returned back I stayed two months and a half, then went back again.
Q Went back to Colorado again? A yes sir.
Q How long did you stay in Colorado that time? A I don't remember I was out about three or four years, I guess.
Q Thenwhere did you go? A Come back here.
Q To the Cherokee Nation? A yes sir.
Q How long did you stay in the Cherokee Nation the ? A Stayed about two months.
Q Then where did you go? A Back to Colorado.
Q How long did you stay in Colorado? A I stayed there two years.
Q Then where did you go? A Back here.
Q How long did you stay in the Cherokee Nation then? A About a month and a half or two months.
Q Then where did you go? A Back to Colorado.
Q How long did you stay? A About two years.
Q Then where did you go? A Come back here.
Q Cherokee Nation? A Yes sir.
Q How long did you stay then? A About three months, I think it was
Q Then where did you go? A Back to Colorado.
Q Did you ever come back to the Cherokee Nation to live at all?
A Yes sir.
Q When wasthe first time you evercame back to stay longer than a month or two? A I came all the time, but I couldn't stay because I couldn't make a living, no living to be made.
Q Did you have a family all the time? A Yes sir.
Q Where were they? A Here, and outthere part of the time.

Q They were here only at such times as you made trips here?
A Yes sir.
Q Did you have any property in the CherokeeNation all that time?
A No sir.
Q Nothing at all? A No sir.
Q You had property in Colorado? A No sir.
Q Had nothing anywhere? A No sir.
Q What were you doingin Colorado? A Railroading and cooking, hat is my business, cooking.
Q When was the last time you return ed to the Cherokee Nation from Colorado, what year? A I don't remember, I think it was in 1888 or 1889, I don't remember which now. No, I come down in '88, I think it was, to register with the Wallace roll, and it was in '90 or '91 I come back.
Q You came back in 1888 and registered on the Wallace roll, and stayed until 1890 or 1891? A Yes sir.
Q In Colorado? A Yes sir.
Q Then did you return to the Cherokee Nation in 1890 or 1891?
A Yessir.
Q With your family? A No sir, I didn't bring my family in 1891, I left them in Colorado.
Q You return to the Cherokee Nation from Colorado the last time in 1891 A Yes sir.
Q How longdid you stay here then? A I don't know, I think about three months, if I remember right.
Q Then you returned to Colorado and lived in Colorado from 1891. how long? A I don't know.
Q About how long? A Must have been two or three years, I left Colorado Springs, I think I left Colorado Springs in 1893, I think it was, and went to Idaho.
Q With your family? A yes sir.
Q How long did you live in Idaho? A I lived in Idaho about three years, I think, two or three years, and went from there then to Pendleton, Oregon.
Q Do you remember what ye ar youw ent to pendleton, Oregon?
A I don't know as I can recollect. I think it was in 1896, I am not certain, 1896 or '7.
Q How long did you live there i n Oregon? A I was in Oregon about a year.
Q Then where did you go? A Went from there to Seattle, Washington I was up there all one summer and part of the winter, then I came back to Oregon again, Pendleton, Oregon, and went from Pendleton to Sumpter, Oregon.
Q Then from the time you were innthe Cherokee Nation in 1891, you never did return to the Cherokee Nation until August 29, as you say, when you came back to apply for enrollment? A yes sir.
Q That is correct, is it? A That is correct, yes sir.
Q Nor your family nevercame back here? A Yes, my family came back here. My family lived here quite a while.
Q I mean between 1891, when you last came back, as you said a while ago, and August 29, 1902, your family hadn't been here? A yes sir, but I don't remember what time she came down here, she has got a record of it, I guess.
Q Had she been here then on visits like you had. She hadbeen with you most of the time? A She came here and stayed, and times was hard, and I couldn't afford to keep two places, so I took her back out there.
Q What is the name of your wife? A Amy.
Q How old is she? A She is thirty-two.
Q Is she a Cherokee freedman? A No sir.
Q State woman? A Yes sir.
Q Have any children? A yes sir.

Q What are theirnames? A I have got one named Stella.
Q How old is Stella? A Stella was born in 1885.
Q The ne.t one? A Was born in 1887.
Q What is i s name? A Harry. I can't think of them, I have got a record here.
Q What is the next one? A Bessie.
Q Born in 1891 is that right? A yes sir.
Q Charlie, born in 1893? A Yes sir.
Q George H., born in 1896? A Yes sir.
Q Amy Goldsmith? born in 1897, is that right? A ves sir.
Q Lucy L., born in 1899? A yes sir.
Q Are these all the children you have got living? A ves sir, that's all I have living, two dead.
Q You have on this paper, ~~May~~ Amy Goldsm ith d ied October 6,1897, is that right? A yes sir.
Q George H. died July 31, 1898, s that right? A yes sir.
Q Then the other five children you have named are still living, are they? A yes sir.
Q Where were these children born, were any of them born in the Cherokee Nation? A No sir.
Q Have they been with you and your wife all the time? A Yes sir
Q Did you draw any money at the freedman payment of 1897? A No sir
Q You weren't here then ? A No sir.
Q The only roll that your name appears upom is the Wallace roll? A Yes sir.
Q These children never have been enrolled? A Stella and Harry has, because they asked me at the time if I had a y children, and I told him yes, I had.
Q They are on the Wallace roll too, are they? A yes sir.
Q Have you always gone by the name of Richard Vann? A yes sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and name of applicant not found thereon.

The 1896 census roll of Cherokee Freedmen examined, and name of applicant not found thereon.

GEORGE MAYFIELD, recalled, testified as follows:

BY COMMISSION: You are a Cherokee Freedman you say? A Yes sir.
Q Half brother to the applicant, Richard Van n? A ves sir.
Q Is he a Cherokee freedman? A yes sir.
Q Who was his owner? A John Thompson Adair, I believe it is.
Q Do you know where Richard Vann was during the war? A No sir, I don't know anything about that.
Q You don't know an ything about his beingout of the Cherokee Natio n during the war, nor as to his return after the war?
A No sir, I do n.t know anything about that, I wasn't old enough.

RICHARD VANN, the applicant, recalled:

BY COMMISSION: Did you e ver vote in the various states where you have lived? A Yes sir.
Q You voted in Colorado? A Yes sir.
Q Idaho? A Yes sir.
Q Oregon? A I don't know whether I voted in Oregon or not.
Q Did you evervote in the Cherokee Nation? A No sir.
Q Have you been here ever since you came, August 29, 1902?
A No sir.

Q How long did you stay when you came that time? A I was down here about twenty days, and was gone about ten days.
Q Where did you go? A Went back to Idaho to move my family down.
Q When did you come bak the last time to the Cherokee Nation?
A Back in August 29, 1902.
Q You went away after that? A I don't remember just what day I come back.. I stayed down here about twenty days, I think, about fifteen or twenty days, and went away and was gone about ten days.
Q At the end of the ten days you brought your family back here?
A My family washere, but I went to bring my things down here.
Q You have been here ever since? A yessir, my family was here before I come down.
Q How long had your family been here before you come down?
A About three or four months.
Q You never did own any property or home in any of the states where you have lived? A No sir.
Q Never owned one in the Cherokee Nation? A No sir, we had the same right xx that other people did. We moved down on the lake and put up a shack, and all livedin it, that's all I know.
Q Is Mary Nivens your full sister, same father and mother?
A Yes sir.
Q Have you any other brothers or sisters besides Mary Nivens and George Mayfield? A No sir.

By Commission: Applicants' half brother, George Mayfield, is found to be listed for enrollment on Cherokee Freedman straight card No. 4.

Q When were you married to your present wife? A About thirteen years ago.
Q Is she the mother of all these children you have named?
A No sir.
Q You have been married before ? A yes sir.
Q Who was your first wife? A Her name was Jennie Glasgo w.
Q Was she a Cherokee freedman? A No sir.
Q What children was she the motherof? A Stella an d Harry.
Q Your present wife is the mother of the rest of the children?
A Yes sir.

Wm. Hutchinson, beingfirst duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson.

Subscribed and s orn to before me this 30th day of October, 19 05.

Edward Merrick
Notary Public.

Cherokee Freedmen-D-1338.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 16, 1905.

In the matter of the application for the enrollment of Richard Vann, his wife, and children as Cherokee Freedmen.

Phillip Reuter, being duly sworn, testified as follows:
MR. SULLIVAN:

Q. What is your name? A. Phillip Reuter.
Q. What is your post office address? A. Muskogee.
Q. What position did you hold with the Dawes Commission in 1902? A. I was chief clerk of the Cherokee Enrollment Division.
Q. What were your duties? A. To hear applications for enrollment.
Q. Are you acquainted with Richard Vann, the principal applicant in this case? A. I am.
Q. Did you hold that position in September, 1902? A. Yes sir.
Q. Have you any recollection of Richard Vann applying to you for enrollment as a Cherokee Freedman in September, 1902-- about the 2nd? A. I could not give you the exact date. I remember Vann came in and made application for enrollment in September, 1902.
Q. What was done with that application? A. It was refused, or as we were instructed at that time, a memorandum case was made of it.
Q. You were acting under instructions at that time? A. Yes s sir.
Q. Why were those instructions given? A. Because the rolls were supplsed to be closed, under the act of Congress of September 1, 1902.
Q. Did you examine the records of the Commission to ascertain whether a letter had been forwarded to Richard Vann in Pocatello, Idaho? A. I remember Vann came in two or three days subsequent to the closing of the rolls, and made application for himself, and I do not remember whether anybody else was embraced in the application. He stated that he had been notified by Chairman Bixby to make application. My recollection is that I examined the records in the mailing division and found that he had been written a letter, and also that the law, under which this ruling was made,w as quoted to him at the time, and that he was informed of that particular section of the law authorizing us to make memorandum cases. He was told, in conclusion, that if he still wanted to make application it would be necessary for him to appear in person before the Commission. That is the substance of the letter.
Q. You are positive that he applied to you in September, 1902? A. Yes sir.
Q. And the instructions were not to enroll anybody after September 1, 1902? A. Yes sir.
Q. Was the office open on the first day of September, 1902? A. I think it was, unless it happened to be on Sunday.

FILED
MAR 24 1909
COMMISSION TO FIVE TRIBES.

Q. It was Labor Day? A. Well, probably it was closed, then. The reason I remember the case so well was that Vann seemed to be very much provoked with me at the time because I told h him he would be denied enrollment, and he seemed to feel that he had not been treated squarely in the matter, inasmuch as he had been notified to appear. He evidently misunderstood the letter.

COMMISSION:

Q. Did you examine this man under oath at that time? A. I do not remember whether I did or not. I remember that the applicant in this case appeared in the first room on this side where I had my office at that time, but whether he was sworn I do not remember.

Q. Did you refuse to hear his application because the application was made after September 1, 1902 or because his name did not appear on the roll? A. Because it was made after September 1, 1902, for I do not suppose we examined the roll.

Q. Was anything said in regard to the injunction which the Cherokee Nation had procured at that time? A. Not that I know of. My recollection is that I told him he was too late; that the rolls were closed.

Q. What is your best recollection as to whether you made some note or memorandum of his application at that time? A. My best recollection is that in all memorandum cases, whether the applicant applied for enrollment by blood or as a Freedman, they were placed under oath and asked their names, and for whom they made application-- the ages of the various applicants, and were then informed that under the provisions of this act of Congress, which profides that the Commission shall receive no more applications, their applications were denied.

Q. And no record was taken of it? A. Like you will find in all memorandum cases.

Q. We are unable to find any memorandum of this case? A. As I said awhile ago, I do not remember whether this man was put under oath or not, but I do know that when I was chief clerk of that division that we kept an index to the memorandum cases of those who applied by blood and as Freedmen.

Q. Are these the indices you had? A. I do not know. My recollection is that the Freedman index was kept in a little black book on account of its being small. That index was kept by Bruce C. Jones, who was my assistant at that time.

[redacted] EXCUSED.

Continued until Monday Morning, March 20, 1905, for the purpose of allowing the attorneys for the Cherokee Nation to cross examine this witness.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in this case on the 16th. day of March 1905, and that the foregoing is a correct transcript of her notes.

Eula Jeanes Branson

Subscribed and sworn to before me this the 23rd. day of March 1905.

Myron White.
Notary Public.

Cherokee Freedman D 1338

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Richard Vann, et al., as Cherokee Freedmen.

D E C I S I O N.

From the evidence introduced in this case it appears that Richard Vann appeared before the Commission at Muskogee, Indian Territory, on September 2, 1902, and made application for the enrollment of himself, his wife, Amy Vann (by intermarriage) and minor children, Stella, Harry, Bessie, Charlie and Lucy L. Vann as Cherokee freedmen; and that a record of said proceedings on said date was duly made and filed by the Commission, but that no trace of said record can at this time be found. Further proceedings in the matter of said application were had on October 29, 1903, and March 16, 1905, at Muskogee, Indian Territory.

The evidence in this case shows that the principal applicant, Richard Vann, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, but returned thereto and established a residence therein, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that from the date of his said return said principal applicant continuously lived in the Cherokee Nation until about the year 1870; that during the interval between the years 1870 and 1891, inclusive, said principal applicant resided, during a major portion of the time, outside the limits of the Indian Territory; and that from the year 1891 up to and including September 1, 1902, said principal applicant continuously lived without the boundaries of said Territory. The applicant, Amy Vann, claims and possesses no rights to enrollment as a Cherokee freedman, other than those obtained by virtue of her marriage to the applicant, Richard Vann. The minor applicants are children of the said applicant, Richard Vann, were born since 1890, and have continuously resided with their father since birth, and possess no rights to enrollment other than as descendants of their said father. None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It appears from the testimony of the principal applicant herein that his reason for leaving the Cherokee Nation was that he could not make a living in said nation; that he has been twice married, in each instance marrying a state woman; that seven children, ranging in age on September 1, 1902, from three to seventeen years, are the result of said marriages, and that none of said children were born in the Cherokee Nation; that during said principal applicant's absence from the Cherokee Nation he has neither owned nor controlled any property therein, nor exercised any of the rights or privileges of a citizen of the Cherokee Nation; but that he did, during said absence, exercise the right of suffrage in the several states of which he was a resident during the thirty years next before September 1, 1902.

Section II, Article I, of the Cherokee Constitution, in part provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . "

It is therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome (I.T.D. 5848-11776-04), the application of Amy Vann for enrollment as a citizen by intermarriage of the Cherokee Nation, should be denied, in accordance with the provisions of section twenty-one of the Act below noted; and that the application for the enrollment of Richard Vann, Stella Vann, Harry Vann, Bessie Vann, Charlie Vann and Lucy L. Vann, as Cherokee freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
JUN 16 1906

In the matter of the application of Richard Vann,et al.for enrollment as Cherokee Freedmen.

Cherokee Freedman Doubtful 1338.

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B R I E F.

The record in this case shows,that the applicant in chief,Richard Vann, was,at the commencement of the Rebellion,a slave of a Cherokee Citizen was removed from said Nation during said Rebellion,and returned within the time specified in the Decree of the Court of Claims,since which time,his whereabouts have been of a migratory character,not sufficient however,to constitute a forfeiture of the rights theretofore acquired. Reference being made to said Decree we find the following language, in,as we may designate it,the forfeiture clause;

> "It being understood that the freedmen and their descendantsand free colored persons above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree."

Thus it will be seen that mere absence from the Cherokee Nation will not of itself work a forfeiture,and the well known rule of law, That

> Acts sufficient to cause a forfeiture do not per se produce a forfeiture.

applys with all the force that its language implys,to the case at bar. And the only question before this Honorable Commission then,is,did Richard Vann abjure his citizenship? Abjuration is defined to be,

> "A renunciation of a country by oath."
> Bouvier's Law Dictionary,Vol.1.p.41.

Can it be said,from the record in this case,that the applicant ever by oath,renounced the Cherokee Nation,it is true he voted in foreign states,voting has never been the test of abjuration.

We now come to the question of forfeiture,as used in the decree,it is our belief that the only time a Freedman could possibly forfeit his citizenship,was by noncompliance,in the date of his return to the Nation,within six months after the promulgation of the treaty, having returned in time,the forfeiture was barred,then he fell within the purview of the law which was directed to those who had abjured

their citizenship,or as we contend,those who had renounced by oath, not by mere absence,not through migrations in foreign states,take for example,this applicant in England,to become a citizen of that [redacted] it would have been neccessary to have taken the oath of allegiance,and neccessarily of abjuration of this country,merely sojourning there would not citizenize him,and if not here where would he claim such,the same is true in our own country,until he became a legal subject of one of our states he remained a citizen of the Cherokee Nation,and as such is entitled to enrollment.

It is a well known rule of law that the burden of proof rests upon the one who would be benefited if no evidence were introduced, and it is for the Cherokee Nation to prove of what commonwealth this applicant is a citizen, and if that proof is lacking then it becomes the duty of the Commission to designate the citizenship of the applicant, and can they on the record in this case say this applicant has abjured his Cherokee citizenship and if so, of what state is he a citizen.

"Absence from Indian Territory alone not forfeiture of citizenship".
Joseph B Ladd et al. Burris C. Ladd, Milam C. Smith, Charles Whitmire, cases.

Respectfully submitted,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the petition to readjudicate the application of Richard Vann, et al., for enrollment as Cherokee freedmen, C. F. D. 1338.

Reply of the Cherokee Nation.

The record in this case shows that the principal applicant attempted to make application to be enrolled as a freedman citizen of the Cherokee Nation on August 29, 1902, and that that attempt was construed to be an application sufficient to come within the law and his application was therefore received by the Commission to the Five Civilized Tribes and his testimony taken. He claims to have been a slave of a Cherokee citizen and he claims to have been taken out of the Cherokee Nation during the war, and claims to have returned within the time prescribed by the treaty of 1866. The Cherokee Nation did not introduce any testimony to controvert these points, for the reason it was ~~max~~ clearly shown that the applicant was not entitled to be enrolled upon his own statement and it was deemed useless therefore to put the Cherokee Nation to expense of bringing witnesses to testify as to other points when his own testimony established that he was not entitled to be enrolled.

The decision of the Commission to the Five Civilized Tribes fairly summarizes the testimony; it shows that after about the year 1870 the applicant never had a permanent residence in the Cherokee Nation, although he claims to have returned upon visits at various times, but he does not claim in his own testimony to have established any permanent residence whatever in the Cherokee Nation. Since 1891 he does not claim to have returned to the Cherokee Nation prior to the 29th of August, 1902, or for a period of 11 years. His wife is a state raised woman; they were married in the states, and his five children for whom he made application were all born in the states. According to his testimony he lived a while in Colorado, he lived a while in Idaho, and a number of years in Oregon. He voted in each of these states--exercised rights of citizenship. He never owned any property in the Cherokee Nation, and for the sake of argument, conceding that he returned within the time prescribed by the treaty of

of 1866, clearly he is not entitled to be enrolled under section two, Article 1 of the Cherokee Constitution, which provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation and becomes a citizen of any other government all his rights and privileges as a citizen of this Nation shall cease."

Counsel for applicants strive to draw a distinction between freedmen citizens and citizens by blood of the Cherokee Nation to show that the Constitution of the Cherokee Nation does not apply to freedmen applicants. If Cherokee freedmen acquire any rights at all under the treaty of 1866 they acquire as the Court decreed that they did, the same rights as citizens by blood of the Cherokee Nation: no more and no less. They were amenable to the laws of the Cherokee Nation and of course came within the limitations prescribed by the Cherokee Constitution.

This, however, was decided by the Department in the Catherine Mix case (I.T.D. 9556-1905), on May 21, 1906, wherein the Department held:

"The principal applicant, even if conceded to have once been entitled to citizenship, abjured the same, and that her case comes within the rule prescribed by the Department March 17, 1903, in a letter relative to the Cherokee enrollment case of Elizabeth C. Payne, which was prepared in the office of the Assistant Attorney General."

Catherine Mix was an applicant to be enrolled as a freedman citizen of the Cherokee Nation and as above observed the Department held that she could abjure her citizenship as well as Elizabeth C. Payne, who was a citizen applicant to be enrolled as a Cherokee by blood.

From a careful reading of the testimony and examination of the record in this case it is respectfully insisted that the decision of the Commission heretofore rendered rejecting the applicants, which was affirmed by the Department on October 14, 1905 (I.T.D. 7770-1905), should be adhered to.

2-16-06

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

IN THE MATTER OF THE APPLICATION OF RICHARD VANN,

FOR ENROLLMENT AS A CHEROKEE FREEDMAN.

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Cherokee Freedman Doubtful
1338.

PETITION TO READJUDICATE.

Before the Honorable Secretary of the Interior.

The record in this case shows that Richard Vann made application for enrollment to the Dawes Commission, within the time prescribed by law, and was, subsequently denied and said denial was approved by the Secretary of the Interior, upon the theory that he had abjured his residence, his being a slave of a Cherokee Citizen at the commencement of the Rebellion and his return to the Nation within the time prescribed in the Treaty of 1866 has never been questioned, but on the contrary is admitted;

"The record shows that the principal applicant was the slave of a "Cherokee citizen at the beginning of the war of the rebellion, was "taken out of the Cherokee Nation during the war, and returned thereto "and established a residence therein on or before February 11, 1867; "that from the date of return he continously lived in said Nation until "about 1870; that during the period between 1870 and 1891 inclusive he "resided a major portion of the time outside of the Indian Territory; "and that from 1891 up to and including September, 1, 1902, he continously lived outside the Territory."

(Land-47213-1906.)

Subsequent to the recommendation, just quoted, and the ruling thereon, the Assistant Attorney General, in the Harry Still case, (C.F.D.878) advised the Department, that;

"..... were in the Nation and fixed a place of abode for "the family, but by reason of lack of subsistence, scarcity of means "there to live, they were unable to continously remain, and left temporarily, returning seasonably and prosecuting that initiated settlement "in good faith and with reasonable diligence, then they must be regarded "as returning in good faith and permanently locating in the nation "from the time of their original settlement."

(I.T.D.7658-1904.13208-1906.)

Within the rule laid down by the Assistant Attorney General and its adoption by the Department, the principal applicant [illegible] clearly [illegible] the most stringent law never assumes to work hardship upon its beneficiaries and to say that the applicant was bound to remain or to frequently visit the Territory would be to place a construction unwarranted by law or reason.

and said construction was conceived within the purview of the Cherokee Constitution,respective to removal with their effects and becoming a Citizen of another Government,(Art.1.§ 2,laws of 1892).

Act of June 28th.1898,30 Stats.L.,495,among other things provides; (reference being made to the Dawes Commission)"It shall make a roll "of Cherokee freedmen in strict compliance with the decree of the "Court of Claims rendered the third day of February,eighteen hundred "and ninety-six."

An examination of the decree fails to reveal any forfeiture clause for migrations or absence from the Territory,and it is our opinion that the Dawes Commission are bound by that portion of Section 21 of the said Curtis Act hereinabove quoted,and not by any constitutional provision of the Nation insofar as it relates to Freedmen of the Nation that complied with the provisions of said decree.

Act of April 26th.1906,Public 129,Sec.3-Par.2.provides,that;

> "The roll of Cherokee Freedmen shall include only such persons "of African descent,either free colored or the slaves of Cherokee "citizens and their descendants,who were actual personal bona "fide residents of the Cherokee Nation August eleventh,eighteen "hundred and sixty-six, or who actually returned and established "such residence in the Cherokee Nation on or before February "eleventh,eighteen hundred and sixty-seven;....."

Upon examination before the Dawes Commission on October 29th.1903,the applicant,says he returned with his sister one Mary Nivens,later in progress of said examinatiom,is found;

> "By Commission;Applicants sister and her childrenhave been listed "for enrollment as Cherokee freedmen on Freedmen straight card "No.81."

In the same examination the following questions and answers are to be found.

Q.When you returned to the Cherokee Nation in 1865,how long did you remain here?
A.I left,I think it was about four years,as well as I can remember.
Q.To what place did you return?
A.To Gibson.Q.Fort Gibson?A.Yes Sir.
Q.From there did you go? A. Went from there to Texas.....and came back.
Q.How long did you stay in Texas....? A.I guess 4 or 5 months.
Q.Then returned to the Cherokee Nation? A.Yes Sir.
Q.How long did you stay in the Nation then?
A.I suppose something in the neighborhood of a year.
Q.Then where did you go?A.Colorado.
Q.How long did you stay in Colorado.A.....I think about 3 years..... and then I returned back I stayed 8-1/2 months and went back again.

CTB-1838.#8.

Q.How long did you stay in Colorado that time?
A.I dont remember,I was out about three or four years I guess.
Q.Then where did you go? A. Come back here.
Q.To the Cherokee Nation. A.Yes Sir.
Q.How long did you stay-----?A.---two months
Q.Then where did you go? Ans.Colorado.
Q.How long did you stay in Colorado? Ans.-------Two years.
Q.Then where did you go?
A.Back here.
Q.How long did you stay in the Cherokee Nation then.
A.About a month and a half or two months.
Q.Then where did you go?Ans.Back to Colorado.
Q.How long did you stay?Ans.About two years.
Q.Then where did yow go?Ans.Come back here
Q.Cherokee Nation ?Ans.Yes Sir.
Q.How long did you stay? A.About three months I think it was.
Q.Then where did youge? A.Back to Colorado.
Q.Did you ever come back to the Cherokee Nation to live at all?
A.Yes Sir.
Q.When was the first time you ever came back to [redacted] stay longer than a month or two?
A.I came all the time,but I could'nt stay because I could'nc make a living,no living to be made.
Q.Did you have a family all the time?A.Yes Sir.
Q.Where were they?A.Here and out ther part of the time.

From the foregoing we see that the applicant was a frequent visiter or returner to the Nation,In the same examination we find the following;

Q.When was the last time you returned to the Cherokee Nation from Colorado,what year?
A.I dont remember,I think it was in 1888 or 1889,I dont remember which now.No I came down in 1888 I think it was,to register with the Wallace roll,and it was in 90 or 91 I came back.
Q.....A.....
Q.Then from the time you were in the Cherokee Nation in 1891 you never did return to the Cherokee Nation until August 29,as you say ,when you came back to apply for enrollment?Ans.Yes Sir.

From the foregoing it will be seen that the applicant has since 1865,lived or been in the Cherokee Nation approximately 6 years and outside 11 years, that is to say up until August 29th.1902,since which last mentioned date he has continuously lived in the Territory,either in Muskogee or Fort Gibson, [redacted] to say now that he has forfeited his original rights,under the Treaty through operation of the Constitution of the Cherokee Nation,would be to say that the said Constitution assumes a greater dignity than the Act of June 28th.1898,providing for the enrollment of Cherokee freedmen in accordance therewith.The attention of your office is respectfully directed to the full record in this case together with a former motion to re-open, and re-hear.

Respectfully submitted,

Attorney for Principal applicant.

IN THE MATTER OF THE APPLICATION OF RICHARD VANN,ET AL.
FOR ENROLLMENT AS CHEROKEE FREEDMEN.
C.F.D. 1338

Comes now Richard Vann principal applicant herein and states that he is over 60 years of age and a resident of Ft.Gibson,Indian Territory that his application has been denied by the Dawes Commission and approved by the Secretary of the Interior,that he was a slave of a Cherokee Citizen at the commencement of the Rebellion and complied with Article nine of the Treaty of 1866,that subsequent to his said compliance,he has been absent from the Nation and Territory,but that said absences were for the purpose of making a living for himself and family,that,he has never become a member of any other Tribe of Indians,that,his maternal half brother George Mayfield is an approved Citizen of the Cherokee Tribe,that,his maternal half sister,Mary Nivens is an approved citizen of said Tribe,that,his paternal uncle,George Musgrove is an approved citizen of said Tribe,that,of all his kin folks,of which he is aware,he is the only one rejected.

That if an opportunity be given and his case reopened he can prove said facts herein set forth.

That he did prosecute the initiated settlement,with the diligence that circumstances warranted,that,his only reason for the discontinuance of the initiated settlement was scarcity of means and lack of subsistence.

Signed Richard Vann

United States Court
Indian Territory.
Eastern District.

Subscribed and sworn to before me this 18th day of June 1906.

Signed Henry Efford
Notary Public.

My commission expires October 16 1907

Seal

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, October 31, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the testimony taken on October 29, 1903, before the Commission at Muskogee, Indian Territory, in the application of Richard Vann for the enrollment of himself, his wife and five children, as Cherokee freedmen, the applicant having stated that he had endeavored to make this application on September 1, 1902.

Respectfully,

{ }

Enc. D-43.

Commissioner in Charge.

D6d

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-1538.

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the application for the enrollment of Richard, Stella, Harry, Bessie, Charlie and Lucy L. Vann as Cherokee freedmen, and rejecting the application for the enrollment of Amy Vann as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-49

(C O P Y)

Land
47213-1905

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 24, 1905

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the five Civilized Tribes dated June 16, 1905, transmitting the record of the application for enrollment as Cherokee freedmen by Richard Vann for himself, his wife, Amy Vann, (by intermarriage) and his minor children, Stella, Harry, Bessie, Charlie and Lucy L. Vann.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that the principal applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken out of the Cherokee Nation during the war, and returned thereto and established a residence therein on or before February 11, 1867; that from the date of return he continuously lived in said Nation until about 1870; that during the period between 1870 and 1891 inclusive he resided a major portion of the time outside of the Indian Territory; and that from 1891 up to and including September 1, 1902, he continuously lived outside of the Territory.

Amy Vann claims and possesses no rights to enrollment other than by virtue of her marriage to Richard Vann. The minor applicants are children of Richard Vann, were born since 1880, and have continuously resided with their father since birth and possess no rights to enrollment other than as his descendants. None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval o f the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M.
W.

(C O P Y)

D. C. 48139-1905

I.T.D. 7770-1905

W C F
LLB
Y.P.

DEPARTMENT OF THE INTERIOR

L R S

WASHINGTON.

October 14, 1905

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Richard, Stella, Harry, Bessie, Charlie, and Lucy L. Vann as Cherokee freedmen, and Amy Vann as a citizen by intermarriage of the Cherokee Nation.

Reporting June 24, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) E. A. HITCHCOCK

Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Fr.
D-1338

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 31, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment as Cherokee Freedmen of Richard, Amy, Stella, Harry, Bessie, Charlie, and Lucy L. Vann, Cherokee Fr. D-1338, was affirmed by the Secretary of the Interior on the 14th day of October, 1905.

For your information, a copy of the decision of the Department above referred to is enclosed you herewith.

Respectfully,

Commissioner.

Encl. J-19

Cher. Fr. D. 1341

Cher. Fr. D. 1341

Cherokee Freedman-D-1341.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 18, 1905.

In the matter of the application for the enrollment of Martha Haynes as a Cherokee Freedman.

W. W. Hastings, Attorney for the Cherokee Nation.

C O M M I S S I O N.

Martha Haynes, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Martha Haynes.
Q. How old are you? A. When I first enrolled I was 45, and that would make me 54 or 55.
Q. You applied for yourself and a boy called Allen? A. Yes sir.
Q. Is he your son? A. Yes sir.
Q. When was he born? A. I can't tell the date he was born.
Q. How old is he? A. I can't tell you just how old he is. When he first enrolled he was 15 or 16 years old.
Q. About how old is he? A. I would just have to make a rough guess at it.
Q. Well, is he 20 or 25 or what? A. I would guess that he is about 25.
Q. Were you a slave? A. Yes sir.
Q. Whose slave were you? A. George Blair's.
Q. Was he a Cherokee Indian? A. Yes sir.
Q. What was the name of your father? A. Ben Grimmett.
Q. Is he living? A. Yes sir.
Q. Is he a Cherokee Freedman? A. Yes sir.
Q. Whose slave was he? A. Old George Blair's.
Q. What was the name of your mother? A. Liza Blair.
Q. Is she living? A. No sir.
Q. Was she a slave? A. I guess she was.
Q. Whose slave was she? A. George Blair's.
Q. Who was the father of Allen? A. His father is dead.
Q. What was his father's name? A. Ben.
Q. Ben what? A. Ben Patton he was called.
Q. Was he a state man? A. No sir, he was a Choctaw citizen.
Q. You mean a freedman citizen? A. Yes sir.
Q. Is Ben Patton dead? A. Yes sir.
Q. And you are the mother? A. Yes sir.

Comes now the representative of the Cherokee Nation and objects to the taking of any testimony of any kind or character in this case for it is clear that no application whatever was made by

or on behalf of these persons for enrollment, before the Commission to the Five Civilized Tribes on or before October 31, 1902, and, t therefore, the Commission is without jurisdiction to receive, consider, or make any record of any application, or any testimony in support thereof, of any person whomsoever for enrollment as a citizen of any kind or class of the Cherokee Nation.

COMMISSION:

Q. Where were you born? A. In Illinois District.
Q. In the Cherokee Nation? A. Yes sir.
Q. How long before the war commenced were you born? A. I couldn't tell you that.
Q. About how big were you when the war started up? A. I could not tell you that, for I don't remember anything about it. I was a small child.
Q. As far back as you remember, where were you living? A. With Aunt Dorcus Buffington.
Q. Who is she? A. An Indian freedman.
Q. You say your mother belonged to George Blair? A. Yes sir.
Q. When did she die? A. She died with the cholera. You know when the cholera was raging.
Q. Was it before the war or after? A. I don't know. That is just what they said -- that she died with the cholera. I was a small child.
Q. Were you born on George Blair's place? A. Yes sir.
Q. Do you remember the war at all? A. No sir.
Q. Do you remember going out of the Cherokee Nation while the war was going on? A. No sir.
Q. When did you first go out of the Cherokee Nation? A. After I married this man I went out for a while.
Q. From your earliest recollection until you married Ben Patton you didn't go out of the Cherokee Nation? A. No sir.
Q. Didn't you go to Kansas? A. No sir.
Q. Where did you live? In the Cherokee Nation.
Q. With whom did you live? A. Mrs. Cotton, for a while.
Q. Who was Mrs. Cotton? A. She was Lewis Wright's mother. I stayed there and picked cotton, and then was just around and about in the Cherokee Nation -- was just traveling around.
Q. After that where did you live? A. Just all around in the Cherokee Nation at first one place and then another.
Q. Where did you meet Ben Patton? A. I got acquainted with him in the Cherokee Nation, down in Sequoyah.
Q. Near what town? A. Fort Smith.
Q. How old were you when you met him? A. I thought I was grown. I guess I was grown.
Q. Where were you married to him? A. At Mrs. Cotton's house.
Q. Where did you go after you got married? A. Lived around in the Cherokee Nation.
Q. Then where did you go to? A. The Cherokee Nation -- I didn't go nowhere.
Q. You have been living outside the Cherokee Nation haven't you? A. No sir.
Q. Did you ever live in Texas? A. No sir.
Q. What is the name of your present husband? A. Wiley Haynes.
Q. He is from Texas, is he not? A. Yes sir.
Q. Where did you first meet him? A. In the Cherokee Nation.
Q. What was he doing? A. He was just traveling around too.
Q. Didn't you live with him in Texas? A. I lived there with him for about six months.
Q. Where is your son, Allen? A. The last time I heard from him he was in the "pen".
Q. For how long? A. I don't know.
Q. Where was he sent up from? A. Joplin, Missouri.

Q. How long did your son live with you? A. He stayed with me till he got big enough to work, and then he left me and got into trouble. He didn't get into no trouble as long as he stayed with me.
Q. How big was he? A. Quite a big boy.
Q. What was he sent up for from Joplin? A. I don't know any thing about it, but I heard it was larceny.
Q. For how long a time was he sent up? A. 6 years as near as I know.
Q. Is he now in the "pen"? A. YEs sir.
Q How long since you heard from him? A. Last year.

MR. HASTINGS:

Q. We and you will have to have answers now or we will stay here a week. Were you at your son's trial in Joplin? A. No sir.
Q. How old is he? A. I can't tell just how old he is.
Q. About how old? A. I would have to make a rough guess, and I don't like to guess at a thing.
Q. No, but I am telling you to guess at this? A. But it might not be right.
Q. Guess at it and tell me right now? A. To the best of my knowledge I can guess and say he is somewheres about 16 I think.
Q. How long has it been since you saw him? A. About 12 years.
Q. Has he been in the pen that long? A. No, he has just been in and out of the "pen".
Q. Where did he go up from first? A. Joplin. He wouldn't come home.
Q. How long after he left you was it that he was sent to the "pen"? A. I think it was somewhere along about a year.
Q. Don't you know that that cannot be true. You have not that boy gone to the "pen" when he was 5 years old? A. He was a mighty bad boy, and he wouldn't mind me.
Q. You haven't seen him since he was four years old, according to your statement? A. Yes sir I have.
Q. What was his father's name? A. Ben Patton.
Q. What is this boy's name? A. I call him Allen Haynes, because his father died when he wasn't no size at all.
Q. Where did his father die? A. Right the other side of Fort Smith -- it was in Skullyville.
Q. How long did you live there? A. I didn't live there. He went there and died.
Q. Were you living with him? A. No sir.
Q. How old was this child? A. He wasn't born at that time.
Q. Where was this child born? A. He was born at Mrs. Wright's, Lewis Wright's mother.
Q. What was her given name? A. I don't know.
Q. Didn't you ever hear what they called her? A. Everybody called her Mrs. Wright.
Q. You do not know her first name? A. No sir.
Q. Where did she live? A. In the Cherokee Nation.
Q. Yes I know -- that is about 200 miles square. What part of the Cherokee Nation? A. In Sequoyah.
Q. Near what town? A. Fort Smith.
Q. How far from Fort Smith? A. Five miles.
Q. Was there any town there where you lived? A. No nearer than Fort Smith.
Q. Was that Mrs. Wright living when this child was born? A. Yes sir.
Q. Is she living now? A. No sir.
Q. When did she die? A. I don't know. I saw her son up to Nowata, and he told me she was dead.
Q. How long did you stay there after this child was born? A. Something like two or three months.

Q. How long had you been there before the child was born? A. Two or three years -- not all the time at this place, but at first one place and then another.
Q. Where else did you stay? A. Sometimes at Rhoda Harnage's.
Q. What kind of a house did Mrs. Wright live in? A. In a log house.
Q. On which side of the river? A. On the Cherokee Nation side.
Q. Which side was that -- north, east, south, or west? A. I don't know what side it was.
Q. Do you mean to tell this commission that you lived in that community that long and yet have forgotten on which side of the river it was? A. Yes sir, it has been a long time, and I don't remember.
Q. Who have you got here as witnesses? A. Aunt Senia Brewer.
Q. When did you first see her? A. About 12 or 13 years ago.
Q. Was that the first time you ever saw her? A. No sir.
Q. When was the first time? A. I couldn't tell you how long it has been.
Q. What is your best judgment as to when you first saw her? A. It has been a good number of years -- 18 or 20 years ago.
Q. That was the first time you ever saw her? A. Yes sir.
Q. Where did you see her? A. In the Pines close to Fort Gibson.
Q. Was this boy born then? A. Yes sir.
Q. That was the first time you saw her? A. Yes sir.
Q. How old was he? A. He was a good sized boy.
Q. You have just said that Allen is now only 16 years old. What other witnesses have you out there? A. Ellis Grimmett.
Q. How long have you known him? A. All my life. He is my father's brother.
Q. How old were you when the war came up? A. I don't remember anything about the war at all.
Q. You have given your age at 64, and that would make you 10 or 11 years old when the war came up? A. I don't know my age.
Q. Who was your owner? A. George Blair was my mother's owner.
Q. Who was your owner? A. I followed my mother and father's side.
Q. You do not know anything about the war? A. No sir.
Q. Do you remember George Blair's wife's name? A. No sir.
Q. Did they have any children? A. I guess they did.
Q. Do you remember them? A. No sir.
Q. Have you ever heard that they had any children? A. My aunt said they had some.
Q. After the war where did you go? A. I found myself in the Cherokee Nation.
Q. What part of the Cherokee Nation? A. Sequoyah and Illinois Districts.
Q. Where were you living when you can first remember after the war? A. In Illinois.
Q. What place in Illinois? A. On my aunt's place.
Q. As I don't happen to know where your aunt's place was, I will have to ask you near what town it was? A. Near Tahlequah.
Q. Don't you know that Tahlequah is not in Illinois District? A. It ought to be.
Q. How far did you live from Tahlequah? A. I don't know.
Q. What direction? A. We lived between Tahlequah and Fort Gibson.
Q. Were you living on any river? A. Right on the Arkansas River.
Q. How far did you live from the Arkansas river? A. About 5 or 6 miles.
Q. And Tahlequah was the nearest town to you? A. Yes sir.
Q. You swear that? A. Yes sir.
Q. Dont you know that there is no point that you could possibly think of that would make Tahlequah nearer than Fort Gibson to

the Arkansas river? Who was living around there? A. There was lots of colored people -- lots of Vanns.
Q. Name one of them? A. I have done forgot that woman's name -- Pen Vann and Bill Vann.
Q. Were they Cherokees or freedmen? A. Freedmen they said.
Q. They don't happen to be living now? A. No sir.
Q. Where were they living? A. In the bottom.
Q. Did you live in the bottom, too? A. No sir, I lived on the hill.
Q. How far was it from the Arkansas River? A. I guess 3 or 4 miles.
Q. What aunt was that you lived with? A. Aunt Dorcus Buffington.
Q. Have you got her here as a witness? A. No sir, she is blind and is very old.
Q. When did you see her last? A. Not since we enrolled over at Fort Gibson.
Q. Did you ever apply to the Kerns-Clifton Commission to be enrolled? A. Yes sir.
Q. And draw money? A. Yes sir.
Q. How much did you draw? A. I don't know how many dollars it was, but I drawed it.
Q. Was it $13.14? A. I don't know.
Q. Was it $26.28? A. I don't know. It was as much as the freedmen drawed.
Q. Was it as much as $29.00? A. It was more than that.
Q. How much did you draw? A. It was as much as they was paying then.
Q. How much? A. I couldn't tell you that. I drawed all the way through.
Q. When did you draw before? A. I have drawed all the way through.
Q. You are swearing that now? A. Yes sir.
Q. You never drew a cent of money in your life? A. I shore has
Q. When did you draw last? A. I think they called it the Clifton money.
Q. How much did you draw? A. I can't tell you how much it was.
Q. You have never been in the insane asylum have you? A. No sir.
Q. How much money did you draw? A. It would be a rough guess.
Q. Was it $1000.00 ? A. No sir.
Q. Was it $999.00? A. I don't think it was quite that much.
Q. How much did you draw? A. I don't know.
Q. About how much did you draw? A. I would have to make a rough guess. A. At this last payment, you mean?
Q. Yes? A. At the last payment -- it was the bread money, and I couldn't tell you how much money it was. I have done forgot. I have heard them say, but I have forgot. I aint no counter.
Q. How come your boy to go to Joplin when he was four years old? A. He didn't go when he was four years old.
Q. How long did you live with your aunt Dorcus? A. It was a good while.
Q. About how long? A. Two or three years, and then I went on down to Sequoyah, and then around in the Cherokee nation just traveling around.
Q. You just lived about and about and about in the Cherokee Nation and about and about? A. Yes sir, and then I married this man and he was sick and I went to traveling around with him.
Q. You never went to Aunt Dorcus' to live until after your child was born? A. No, he was born after I left Aunt Dorcus'.
Q. Did you have any children when you lived with her? A. No sir.
Q. Were you married? A. No sir.
Q. Who did you live with before you lived with your aunt Dorcus? A. I never lived with no one only just my mother and grandpa.

mother.

Q. What was your grandmother's name? A. Sylvia Grimmett.
Q. Is she living? A. No sir.
Q. Is your mother dead? A. Yes sir.
Q. Where did you meet this man Haynes? A. In the Territory.
Q. Where did you meet him? Did you meet him just about and about? A. I met him in Sequoyah.
Q. At whose house? A. Mrs. Wright's.
Q. I thought you said she was dead long ago? A. She died after I left her house.
Q. When did you meet him first? A. I tell you I met him down there in the Cherokee Nation.
Q. What year was it? A. I don't know.
Q. Was it a year or six months ago? A. Longer than that.
Q. About how long? A. I don't know.

(I ask that this witness be compelled to answer these questions. If this is to be a fair investigation, this witness ought to be told to answer these questions.)

Q. Tell us about how long ago you met this Wiley Haynes? A. I met him in the Cherokee Nation?
Q. Yes, you met him in the United States -- you met him in the world, but how many years ago? A. About -- I can make a rough guess at it and say 25 years ago. I don't know, and am just making a rough guess.
Q. You have a boy, Allen, 16, havent you? A. I made a rough guess at his age.
Q. And this boy was born before you knew Haynes? A. Yes sir. He was a little boy when I married Haynes.
Q. You told me he was 16 years old, didn't you? A. Yes sir.
Q. How old was he when you and Haynes married? A. He wasn't more than a year old, for he was just walking.
Q. And that was the first time you ever saw Haynes? A. No, I had seen him before.
Q. When before? A. A month or two before then.
Q. You married him a month or two after you saw him first? A. Yes sir.
Q. Where did you marry him? A. At Mrs. Wrights.
Q. When did she die? A. After I left there.
Q. Where did you go to after you left Aunt Dorcus'? A. Down in Sequoyah.
Q. To whose house? A. Mrs. Wright's.
Q. And then you married? A. Yes sir.
Q. What did you do the rest of your life -- 10 or 15 years that you do not give any account of? A. I don't know.
Q. How long have you been in Muskogee? A. I couldn't tell you. I can make a rough guess at it, and say that I have been here about 12 or 13 years.
Q. Where did you come from when you came to Muskogee? A. Canadian District.
Q. Near what place? A. Not far from Mrs. Bailey's.
Q. How long had you been there? A. I couldn't tell you how long
Q. Was it a thousand years? A. I don't guess it was a thousand I guess I had been living there often and on for 15 years.
Q. Who did you live with? A. I lived on the Garland place, and with Jeff Raler, and from there to a farm of my own.
Q. With whom were you living? A. My husband.
Q. You lived there 15 years, and have lived in Muskogee 12 or 13 years? A. Yes sir.

COMMISSION:

Q. Under what name did you draw the money on the Wallace roll? A.

Some called me Mary.

Q. In what District were you living at the time of the Wallace payment? A. In Canadian District.

Q. Where were you living at the time of the Kern-Clifton payment? A. In Canadian District.

(The names of both the applicants are identified upon the Wallace pay roll, numbers 2445 and 2446, Canadian District, and are also identified upon the Kerns-Clifton pay roll, Canadian District, numbers 3377 and 3378, respectively.)

Q. Have you got any brothers and sisters? A. Yes sir.

Q. What are their names? A. Mary Grimmett, Jane --I don't know her married name, but her name was Jane Grimmett, and a brother by the name of Bennie Grimmett?

Q. Where does he live? A. Up at Nowata with my father.

Q. Is your brother older or younger than you? A. Younger.

Q. Is your father living? A. Yes sir.

Q. Where? A. In Nowata.

Q. Whose slave was he? A. Bill Grimmett's.

Q. You say your father is living now? Yes sir.

Q. Did you ever live with your father? A. Yes sir.

Q. How long? A. Just a little while and then Aunt Dorcus Buffington took me.

Q. When you lived with yourfather, were your father and mother living together ashusband and wife? A. No sir, my mother was dead.

Q. Your father and mother were never married, were they? A. I suppose so.

Q. Are your sisters and brother of the same mother? A. Yes sir.

Q. Are they older or younger than you? A. My sister Mary is older than I am.

WITNESS EXCUSED.

Ellis Grimmett being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Ellis Grimmett.

Q. Are you a freedman? Yes sir.

Q. Have you taken an allotment of land? A. Yes sir.

Q. Do you know the applicant, Martha Haynes? A. Yes sir.

Q. How long have you known her? A. I have known her for quite a while.

Q. How old are you? A. About 62.

Q. You remember the war, do you? A. Yes sir.

Q. Do you remember her about the time of the war? A. No sir, I don't.

Q. How soon after the war did you get acquainted with her? A. I heard of her a good many times before the war, but I never saw her.

Q. When did you first see her? A. The first time I saw her she was just about a baby, and then I never saw her any more till 8 or 9 years ago.

Q. At that time, when you saw her as a baby, where was she living? A. At Fort Gibson.

Q. Who was she living with? A. Her mother, Lina Blair.

Q. Was her mother a slave? A. Yes sir.

Q. Whose slave was she? A. She belonged to Betsy Blair, who married a man by the name of Lowery.

Q. What were they doing in Fort Gibson -- did Betsy Blair live

in Fort Gibson? A. No sir she didn't live there, but that was during the war, and all the colored folks was there.
Q. She wasn't living there with her master in Fort Gibson? A. No sir.
Q. Did this woman go out of the Cherokee Nation during the war? A. I don't know.
Q. Did her mother go out? A. I don't know, positive, but she died there.
Q. Who is the father of this applicant? A. Ben Grimmett they say.
Q. Do you know whether Ben Grimmett and Liza Blair lived together before the war? A. Yes sir, they did.
Q. How many children did they have? A. Five or six.
Q. What were their names? A. Bennie, Mary, Rachel, Jane, Sarah.
Q. What are their names now? A. Mary is named Haynes, Rachel is named Digus, Jane -- I don't know her married name. I am not acquainted with her husband, and Sarah -- I can't tell what her name is.
Q. Were all of these children by the same father and mother? A. They were supposed to be.
Q. Were they all born before the war? A. Outside of this one, they was all born before the war, and this one must have been born just about the beginning of the war.
Q. Do you know anything about where she has been living? A. No sir.

MR. HASTINGS:

Q. You have not seen her till 8 or 9 years ago, since she was a baby? A. No sir.
Q. You don't know whether this is the baby you saw or not? A. No, that is just what they say.
Q. About how old and how large was she when you saw her during the war? A. She might have been 8 or 9 months, or maybe a year old.
Q. This woman testifies that she was born in '51, and that she was 10 or 11 years old when the war began. If that is true, this cannot be the same woman, can it? A. I think the child I saw was not more than a year old.
Q. Do you know how long the war had been going on when you saw the child? A Not more than a year.
Q. You saw this woman there with a child in '63? A. Yes sir.
Q. And if this woman is much older than that, it could not be the same one? A. No sir.
Q. And you never saw her again until 8 or 9 years ago? A. No sir.
Q. Where did you see her then? A. At Nowata.
Q. Was she living there? A. I don't know whether she was living there or not. I just met her and talked a while.
Q. Where did you live after the war? A. At Bluejacket.
Q. Did you ever live around Fort Gibson and Tahlequah? A. No sir.
Q. Was she living with this man Haynes when you saw her 8 or 9 years ago? A. Yes sir.
Q? Do you know anything about this boy, Allen? Have you ever seen him? A. No sir.

WITNESS EXCUSED.

Senia Brewer, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Senia Brewer.
Q. You are a Cherokee Freedman, I believe? A. No sir.
Q. A Cherokee? A. Yes sir.
Q. How old are you? A. I am 60.
Q. Do you know Martha Haynes? A. Yes sir.
Q. When did you first see her, or first get acquainted with her?
A. She was quite small when I got acquainted with her. I met her mother when she was a little bitty thing-- just a baby.
Q. What was her mother's name? A. Liza.
Q. What was her other name? A. Liza Blair.
Q. Was she living with anybody at that time? A. Living with Ben Grimmett -- that was her father.
Q. He was a freedman, wasn't he? A. Yes sir.
Q. You remember the war, don't you? A. Yes sir.
Q. Did you see her about the time of the war? A. Who -- this woman here?
Q. Yes? A. No sir.
Q. You saw her when she was a little child? A. Yes sir.
Q. When was that? A. The time her mother died.
Q. Since then how often have you seen her? A. She was small when Aunt Dorcus took her to raise, and the next time I saw her she was married.
Q. You cannot say positively, can you, that this is the same woman? A. Yes sir.
Q. You lost track of her , didn't you, for a good many years? A. No sir, I always knowed her and her people -- her mother.
Q. You didn't see her from the time she was a little child till she was married? A. No sir.
Q. What was her husband's name? A. I don't know her first husband's name.
Q. Who was she living with when you met her again? A. Wiley Haynes.
Q. How long ago? A. I don't know.
Q. Do you know anything about her boy, Allen? A. Yes sir, I know him.
Q. When did you see him? A. I don't know -- 4 or 5 years ago.
Q. Where is he? A. I don't know.
Q. Is Dorcus Buffington living? A. Yes sir?
Q. Where? A. On 14 Mile Creek.
Q. What is her post office, or trading point? A. I don't know.

MR. HASTINGS:

Q. When did you first see that child you spoke of? A. When her mother died.
Q. That was after the war? A. Yes sir.
Q. You never saw this child before the war? A. No sir, she was about a baby when I saw her.
Q. How old was she? A. Not over a year old.
Q. Then if she was born in '51 and was 10 or 11 years old when the war closed, this is not the one, is it? A. No sir, she was a baby when the cholera was there.
Q. Then if this woman was 10 or 11 years old then, it is not the same one? A. No sir.
Q. How long after that was it till you saw her again? A. I dont know. I never keeps no account of the years.
Q. Was it 20 years? A. Yes sir, I expect so.
Q. Where have you been living? A. In Fort Gibson, Tahlequah, Muskogee, and around.
Q. Where do you live now? A. In Muskogee.
Q. How long have you been living here? A. I don't know.
Q. When did you live in Tahlequah and Fort Gibson? A. I haven't lived in Tahlequah since the war.
Q. Have you lived in Fort Gibson since the war? A. Yes sir, and

I lived on the bayou, and then I moved to Muskogee.
Q. How many years since you moved to Muskogee? A. I don't know.
Q. How long did you live around Fort Gibson after the war? A. A good while after the war.
Q. About how long? A. I don't know. I lived first at Fort Gibson and then at other places.
Q. About how long at Fort Gibson? A. I don't know -- a good while.
Q. What is your best judgment? A. A good while.
Q. Is it 6 years or 6 days? A. Over 10 years.
Q. And you never saw this woman around Fort Gibson? A. Yes sir I did.
Q. You have just sworn that you didn't. You said you hadn't seen her after her mother died until after she was married? A. I saw her there sometimes at church, when we had any church. I use to see this girl and her sister.
Q. What is this woman's sister's name? A. Mary Hill.
Q. I just happen to know that Mary Hill don't even claim citizenship? A. Yes sir, she do -- she ought to, for she has done proved up.
Q. Was this Mary Hill ever married before? A. Yes sir.
Q. To whom was she married? A. Bill Ross.
Q. How long did you see this girl around Fort Gibson after her mother died? A. I didn't see her at all, for they all run from the cholera.
Q. You never saw her any more? A. No sir.
Q. Did you ever see her after her mother died until 8 or 9 years ago? A. Yes sir, when she got to be a young woman. She was small when Aunt Dorcus took her to raise soon after her mother died.
Q. About how many years after her mother died? A. I don't know. A heap of times when we had church they would come over to church.
Q. How long after her mother died was it till you saw her again? A. I told you.
Q. What did you tell me? A. That she was a good size girl, and she was a baby when her mother died and that old lady took her to raise.
Q. How long after that was it that you saw her? 5, 10 or 40 years? A. I guess it was.
Q. Guess it was what? Was it 20 years? A. No sir.
Q. Was it 5 years? A. I never paid no attention.
Q. Was it 62 years? A. No sir.
Q. Was it 13 years? A. I don't know, for we all scattered.
Q. How long was it? A. It wasn't very long.
Q. Was it ten minutes? A. (no answer)
Q. Ten years? A. It wasn't ten years. We were all passing around among each other. She was staying at one place and I stayed at another.
Q. Where were you staying? A. At Fort Gibson.
Q. Where was this woman married to Haynes? A. At Aunt Dorcus' house.
Q. Where was Aunt Dorcus living? A. On 14 mile Creek.
Q. And she just continued to live right along there? A. Yes sir that is the only place I ever knowed of her living
Q. You never met her in New York city? A. No sir, for I never has been there myself.
Q. Nor in Texas A. No sir.
Q. Nor in Joplin? A. She never was in Joplin.
Q. How come her son there? A. He just run off, like my boy did.
Q. When was the first time you ever saw him? A. I have seed him here in Muskogee.
Q. Was that the first time? A. I saw him when he was a small

boy, but a heap of times I saw him and didn't know him.
Q. When did you see him first? A. I saw him with his mother. I had seed him before, but didn't know it was her child till I seed him with her.
Q. Where had you seen him before? A. In Fort Gibson.
Q. When? A. Before I come over here.
Q. Where was this child born? A. I couldn't tell you where it was born.
Q. You can't tell me when you first saw him? A. I told you I saw him to Gibson.
Q. I didn't ask where, I asked when? A. Well, it was when I lived at Gibson.
Q. Did you see him 40 years ago in Gibson? A. I don't guess it was that long.
Q. Was it 20 years? A. I don't know.
Q. Was it 8 years? A. I guess it was.
Q. Is that your best judgment? A. I guess so.
Q. Why don't you tell me the truth? A. I don't come before none of you with no lies.
Q. When did you first see him? A. I have done give you all the ideas I can. I know I saw him, and it don't matter how long ago it was, I saw him and knowed it was her child.
Q. How many years since you first saw this woman? A. I don't count the years, but I have been seeing her ever since she was small.
Q. You never saw her till after her mother died? A. Yes sir, I saw her after her mother died.
Q. Did you ever see her till after her mother died? A. Yes sir.
Q. How long before? A. That was before the cholera come.
Q. Was it one or two days or a week? A. It was before the cholera come there in town/ I was living in the bottom.
Q. Where did she live? A. Up on the hill.
Q. Who was her mother living with? A. With her father.
Q. Ben Grimmett? A. Yes sir.
Q. Is he living? A. Yes sir.
Q. Is he the man that wears so many badges on him? A. No sir.
Q. And he was living there with this woman? A. Yes sir.
Q. You never knew this girl before the war? A. I don't think she was born before the war. The war went on 4 years, didn't it
Q. So they say? A. I know all about it.
Q. I am glad you know one thing. Where were you living when the war started? A. At Tahlequah.
Q. Where did you go? A. To the Chootaw Nation.
Q. Who did you belong to? A. To the Carters.
Q. Did you see this woman's mother down there? A. No sir.
Q. How long was it before the war that you saw this girl's mother? A. I saw her all the time before the war. Her people lived in Caney and Flint, but they stayed most all the time in Tahlequah.
Q. Are you any kin to this girl? A. No sir. I just knowed her mother and father.
Q. The first time you ever saw her after the war was when her mother died? A. Yes sir. You know when the cholera started in town there everybody was running out and taking everybody with them, and we couldn't tell where anyone went. A lot of them went to 4 Mile Branch.
Q. Who did this woman's mother belong to before the war? A. Blair.
Q. What Blair? A. I couldn't tell you his name, but I know it was Blair.
Q. You never were at the Blair's house? A. No sir, I just knowed some of the colored people.
Q. But you never knew her owner? A. No sir, I don't know her owner's name.

COMMISSION:

Q. Was this Blair a white man? A. I think he was a Cherokee.

WITNESS EXCUSED.

Wiley Haynes, being duly sworn, testified as follows:

COMMISSION:

Q. What is your name? A. Wiley Haynes.
Q. You are the husband of Martha Haynes? A. Yes sir.
Q. When did you first get acquainted with her? A. Somewhere nea near 24 years ago.
Q. Where did you first meet her? A. In Sequoyah District.
Q. Near what town? A. Fort Smith.
Q. About how soon after that did you get married? A. About 3 or 4 months, I guess
C. Do you know what year you were married to her? A. As near as I can get at it -- 24 years ago either April or May the 15th. that is my best recollection -- 1881.
Q. At that time did she have a child? A. Yes sir.
Q. What was his name? A. Allen.
Q. What became of him? A. He is in the "pen".
Q. How old was he when you married her? A. I guess he was some 9 or ten months old.
C. Have you lived together as husband and wife since that time? A. Yes sir.
C. Where? A. In Canadian District, and some time in the Creek Nation.
Q. Near Muskogee? A. Yes sir, right here in Muskogee.
Q. How ang have you lived here? A. Near 11 years.
Q. When did you last see Allen? A. I saw him about a year and a half ago.
Q. Where was he? A. He was here.
Q. Where was he sent to the pen from? A. From here.
Q. When? A. He was sent in 1903.
Q. Was he sent more than once? A. Yes sir.
Q. Was that the first time he was sent -- in 1903? A. The first time was in 1903 -- or 02.
Q. What did he go for? A. About some bicicles.
Q. Had he stolen them? A. Yes sir.
Q. Wasn't he arrested in Joplin? A. Yes sir.
Q. What for ? A. I don't know.
Q. How long was he sent up for? A. I don't know. He was away from me, and I don't know.
Q. When did that boy first go away from you? A. He first got away from me -- you may say -- as near as I can fix it -- 1897.
Q. Was he living with you up to that time? A. Yes sir, we drawed his money for him, and after that he commenced prancing around.
Q. Where has he been living since then? A. In Joplin, Kansas City, and sometimes at home. When he gets out of money or gets sick, he comes home.
Q. And he has been in the pen twice? A. Yes sir.
Q. Was sent up once from Joplin and once from here? A. Yes sir.

WITNESS EXCUSED.

This case will be continued, for further evidence, to June 1, 1908.

FILED
MAR 22 1905
COMMISSION TO FIVE TRIBES.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 18th. day of May, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

Subscribed and sworn to before me this the 22nd. day of May, 1905.

J. P. Campbell
Notary Public.

FILED
COMMISSION TO FIVE TRIBES.

Cherokee Freedman D-1341.

DEPARTMENT OF THE INTERIOR,
OFFIC COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 22, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAYNES ET AL., as a Cherokee freedmen.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by J. S. Davenport.

MARGARET SANDERS, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Margaret Sanders.
Q Where do you live? A On Fourteen Mile Creek.
Q How far from Melvin? A About four miles.
Q How old are you? A About 55 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How long have you lived on or near Fourteen Mile Creek? A I was born and raised there.
Q How far did you live from old Aunt Darkey Buffington? A Two or three miles.
Q Are you any relation to her? A I used to be her daughter-in-law.
Q Now you have lived near her how long? A About ten years I guess.
Q How long have you known Aunt Darkey Buffington? A I knowed her in the time of the war.
Q Have you known her ever since the war? A Yes sir.
Q Do you know Mary Hill at Tahlequah? A Yes sir.
Q Did you know her mother? A Yes sir.
Q What was her name? A Eliza Blair.
Q Did you know her father? A No sir.
Q Do you know the applicant here, Martha Haynes? A I aint been acquainted with her so many years.
Q How long have you been acquainted with her? A About 10 or 15 years.
Q Do you know whether or not Mary Hill had any sisters and brothers?
A I know she had two daughters and a son that I know of, but I don't remember about this girl, but one was called Mary and Rachel and Benny.
Q Where did they live after their mother's death? A With Aunt Darkey Buffington.
Q How far did you live from Aunt Darkey at that time? A I stayed around Fort Gibson then.
Q Where was Aunt Darkey living then? A On Fourteen Mile Creek.
Q How far is that from Gibson? A About 15 miles.
Q Where was this applicant, Martha Haynes, living when you first got acquainted with her? A Here in Muskogee.
Q Did you ever see her in the Cherokee nation before you got acquainted with her there at Muskogee? A No sir.
Q Did you ever know of her living in the Fourteen Mile Creek neighborhood with Aunt Darkey Buffington since the war? A No sir.
Q Did you ever know of her living in Aunt Darkey Buffington's family? A No sir, the first time I got acquainted with her she told me Eliza Blair was her mother.

Q That was Mary Hill's mother was it? A Yes sir.
Q Did Eliza Blair have such a daughter as this applicant that you know of? A I don't know, I just get acquainted with her in the time of the war.
Q When Eliza died did she have any such daughter as this Martha Hayne?
A No sir.
Q You know Eliza had a daughter by the name of Rachel and Mary?
A Yes sir.
Q Do you know whether or not she had a daughter by the name of Martha this applicant? A No sir.
Q You never saw her or heard of her until about 15 years ago? A No sir, I met her here in Muskogee and she was telling me about her people.
Q I believe you said you were a daughter-in-law of Aunt Darkey Buffington? A Yes sir.
Q And you never saw this girl around Aunt Darkey's place there?
A No sir.

BY THE COMMISSION:
Q Did you know Eliza Blair? A Yes sir, I got acquainted with her in the time of the war.
Q Do you know the names of all of the children of Eliza Blair?
A I don't know sir.
Q As far as you know she may be the mother of this woman here?
A She may be, I don't know.
Q Do you know when Eliza Blair died? A Yes sir, I was living there in town.
Q Where did she die? A There on the hill at Fort Gibson.
Q What became of her children? A As far as I remember anything about them Julia Rees had a girl by the name of Mary and Aunt Darkey Buffington took a girl by the name of Rachel and a boy named Benny.
Q You say Mary was taken by who? A Julia Reese.
Q And Aunt Darkey Buffington got the other two? A Yes sir.
Q Now you don't mean to say that Eliza Blair didn't have any more children than that at that time? A No sir, I don't.
Q And you don't know how many children Darkey Buffington took away? A That is all I remember about.
Q She may have taken 3 or 4 so far as you know, only you know about two? A Yes sir, just them two.
Q Darkey Buffington must have had a big family at that time? A Yes sir.
Q About how many? A I don't know.
Q Have any idea how many? A 8 or 9.
Q Did she have 18 or 20? A No sir she didn't have 20, she had a passel of children that wasn't her own, her kin folks.
Q Was this Eliza Blair any kin to Darkey Buffington? A Her niece.
Q Do you know whether Darkey Buffington had a child there by the name of Martha? A I don't know sir.
Q Do you know the name of all the children that Darkey Buffington had at that time? A I could name only some of them.
Q Couldn't name them all? A No sir, there was Jessie, Helen, Rachel, Benny, Narcissus, that is all I remember anything about.
Q There were more than that? A Yes sir, more than that because there was a house full all the time.

NARCISSUS DALTON, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Narcissus Dalton.
Q Where is your post office? A Melvin.
Q How old are you? A I don't know exactly, I am about 50 years old.

Q You were born before the war? A Yes sir.
Q Who was your mother? A Darkey Buffington.
Q Is she living? A Yes sir.
Q Where? A With me.
Q Did you know Eliza Blair during her life time? A I didn't know good our relations but when we come back from the south we didn't get good acquainted with her and it wasn't so long before she died.
Q When did you come back from the south? A Just after peace.
Q And you have lived in the neighborhood of Fourteen Mile Creek ever since that time? A Yes sir.
Q How far have you lived since you returned from your mother, Aunt Darkey Buffington? A I have been with her all the while.
Q Eliza Blair died some time after you came back from the south?
A Yes sir.
Q Was she related to you in any way? A Yes sir.
Q Do you know the applicant here, Martha Haynes? A No sir.
Q After you came back from the south did Martha Haynes live with your mother or your mother raise her on Fourteen Mile Creek north of Fort Gibson? A If she did, it is out of my remembrance, she was living at Gibson working for the Government when we come back from the south.
Q Did the applicant here live in your mother's family there? A No sir.
Q Do you know how many children Eliza Blair had at the time of her death? A No sir, I don't know but Rachel and Benny.
Q You know whether this woman ever lived with and was raised by your mother? A If she was, I don't know it.
Q You lived with your mother? A Yes sir.
Q You would have known if she was there? A Yes sir.
Q Do you know Mary Hill at Tahlequah? A Yessir.
Q She was a daughter of whom, do you know? A Ben Grimmett is her father andthat same Eliza is her mother.
Q She has lived in that neighborhood ever since the war? A Yes sir Julia Reese raised her.
Q And your mother raised Rachel and Benny? A Yes sir.
Q And you lived with your mother and she never lived with you?
A No sir.
Q Do you think it is possible for her to have been there and you not know it? A No sir.
Q How long has it been since you first saw this applicant here?
A No sir, I have never seen her at all to know her.
Q Look at her and see if that woman ever lived with your mother's family? A No sir, not that I know anything about.
Q You were there all the time? A Yes sir, I was there all the time.

BY THE COMMISSION:
Q How long did you stay at your mother's after you came back from the war? A I was about 11 years old when we come back from the south and I married when I was 17 or 18 and I stayed that long.
Q Lived with her all that time? A Yes sir.
Q Never worked out at all? A Yes sir, I worked out.
Q Did you come home every night? A No sir, not when I was working off.
Q You remember Eliza Blair dying, do you? A Yes sir, I remember them saying she died in the year of the cholera.
Q But you don't remember that, do you? A Yes sir, I remember the cholera.
Q I am talking about Eliza Blair's death? A Well I think it was theyear of the cholera.
Q Do you remember the fact of her dying? A Yes sir, I remember them saying she died.

Q Do you know how many children she had when she died? A No sir I don't know exactly how many she did have.
Q How old is Rachel? A I don't know, she is something a little older than I was.
Q Which is the oldest child of Eliza Blair? A I couldn't tell you that.
Q Well there is Rachel, Mary and Benny? A Well Mary I think is the oldest, she had one called Jane, she is the oldest.
Q Is she living? A Yes sir.
Q Is Mary, Rachel and Benny living? A Yes sir.
Q Did you ever hear of Eliza Grimmett having a child called Martha?
A No sir, it was a long time after we came back before I knew Mary; you see Aunt Julia Geese raised Mary.
Q Was there a child in your mother's family by the name of Martha?
A If there was, I don't know it.
Q You would have known it if she had have been in your mother's family? A It looks like I would have known it.

This case is closed.

George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 24th day of August, 1905.

Myron White.

Notary Public.

Cherokee Freedman D-1341.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 10, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAYNES ET AL., as Cherokee freedmen.

MARTHA HAYNES, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Martha Haynes.
Q How old are you? A I don't know sir how old I am, I don't remember my age exactly.
Q When you testified in your case on May 18, 1905, you gave your age as 53, is that right? A Yes sir, I guess so.
Q Have you a child named Allen Haynes? A Yes sir.
Q Is he living? A Yes sir.
Q He is of age? A Yes sir.
Q Is he married? A No sir.
Q What is the name of your father? A Ben Grimmett.
Q Is he a citizen of the Cherokee Nation? A Yes sir.
Q Where does he live, in what district? A Coeweeseeowee.
Q What was your mother's name? A Eliza Blair.
Q Is she living? A No sir.
Q Did you ever live with your father, Ben Grimmett? A No sir.
Q Do you know anything about whether he and your mother were married?
A I couldn't tell you.
Q Did your mother ever live with Ben Grimmett? A Yes sir.
Q They never lived together after you were born? A Not to my knowing anything about it.
Q Has your mother any sisters and brothers living? I guess they have.
Q You don't know about them? A No sir, I don't.

BY MR. HASTINGS.
Q When did you first see Ben Grimmett after the war? A When I come to myself.
Q Where did you see him? A Fort Gibson.
Q You never lived with him after the war? A No sir.
Q He wasn't living there after the war? A No sir, he didn't stay with us.
Q You never saw him until recently then? A When I come to myself, they said he was my father.
Q How old were you? A I don't know.
Q A number of years after the war? A Well when I come to my recollection, I don't know how old I was.
Q About how long after the war? A I couldn't tell you.

W I T N E S S E X C U S E D.

BEN GRIMMETT, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Ben Grimmett.
Q How old are you? A I couldn't tell.
Q Are you about 68 or 70 somewhere around there? A Yes sir, I couldn't tell you.
Q What is your post office? A Nowata.

Q Are you a Cherokee freedman? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Do you know Martha Haynes, the applicant in this case? A Yes sir, she is my daughter.
Q What is the name of her mother? A Liza was the name of her mother.
Q Do you remember her maiden name, her first name? A Her name was Liza Blair, and her master was John Riley, he married her mistress.
Q Were you and Eliza married? A No sir.
Q Did you live together as husband and wife? A Yes sir, you see we colored people never did marry we just took up.
Q How long did you live together? A I couldn't tell you how long.

BY MR. HASTINGS:
Q Was this woman born bef re the war, this applicant? A I couldn't tell you but I think she was about that time

Q You were not living there when Martha was born? A No sir.
Q You never saw her after she was born? A No sir, I never seed her after she was born.
Q When did you see her, the first time you saw her, a week or two ago? A No sir, it has been a long time.
Q About how long ago, the first time you saw her, you never saw her just after she was born? A About 6 or 7 years I guess.
Q You saw her the first time about 6 or 7 years ago? A Yes sir, maybe longer, I never kept the time.
Q It was a long about the time of this last freedman payment then you saw her? A Yes sir, I had not seed her then.
Q You said it was about 6 or 7 years when you first saw her? A Well when I said that I don't hardly keep the weeks at all.
Q That was about the first time you ever saw her? A Yes sir.
Q You don't know where she was born? A She must have been born here in the nation.Q You never saw her mother at all after she was born? A No sir.
Q And you saw her now the first time about 6 or 7 years ago? A It was over I guess, it has been a long time.
Q You know she wasn't living here until 6 or 7 years ago? A She was living here then.
Q Well, I know she was living here then, never came here until 1894 during the freedman payment? A Yes sir.
Q You know her before that payment? A I couldn't hardly say what time, I couldn't hardly saw when.Q How long was it before the Cherokee payment, a year? A About 3 years I guess.
Q Before the Cherokee payment? A I think so, that is my own judgment.
Q Where did you first see her? A I seed her down there on Lightning Creek.
Q What was she doing up there at Lightning Creek then? A I don't kno
Q She said then that she was your daughter? A Yes sir, her mother said that.
Q You swore that you never saw her mother after this child was born?
A Yes sir, I had seen her, of course I had seed her.
Q You had seen her before this child was born, but you never saw her afterwards? A No sir.
Q Her mother went south and you went north? A Yes sir.
Q And you never saw hermother after this child was born? A No sir, I never came back here.
Q And you saw this girl the first time about 3 years before the Ch rokee payment and that was in 1894? A It must have been.
Q What was the first time you ever saw this woman? A I couldn't tell you that.
Q You said so didn't you? A Yes sir, I said, I don't know nothing about keeping the days of the month.

Q You said that was your best judgment? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q How long after the breaking out of the war was it that you went north? A It had been sometime before we went up, I stayed at home as long as I could and times got so hard that we had to get out.

Q Whereabouts in the Cherokee Nation did Eliza Blair live? A In Flint District.

Q Did she live close to where you did? A Yes sir.

Q What was your master's name? A Grimmett, we lived about 4 miles from there I guess.

Q When was it Eliza Blair went south, did she go south before or after you went north? A No sir, she never did go south.

Q Did she leave Blair's place before you left Grimmett's place?

A Yes sir, she was right there.

Q But this Martha Haynes wasn't born until after her mother, Eliza Blair, left Blair's place, was she? A I couldn't tell you, I hardly ever get to see my woman, we colored men we had from 6 to 7 wives, it wasn't like it is now one particular wife. We always had as many wives as we could get.

Q Do you think this Martha Haynes is your daughter? A Yes sir, and her sister, she is living.

Q Did you and Eliza have any more children besides this Martha?

A Yes sir.

Q How many? A About 5.

Q Are they living? A Yes sir, some living at Tahlequah, two, and Riley he is dead, and then there is one here next to Riley is here in the Cherokee Nation somewhere.

Q They are your children by Eliza? A Yes sir.

Q Was any of them enrolled as Cherokee freedmen? A Yes sir, these at Tahlequah, all of them.

Q What is the ones name that live at Tahlequah? A Mary and Ben, and the other one she died.

Q Mary what? A Some call her Mary Hill, she married a Hill.

Q What is Ben's name? A I just call him Ben, I named him after me.

Q That is young Ben Grimmett? A Yes sir, that is my son.

Q They are your children by Eliza? A Yes sir.

Q Then they are full sister and brother to Martha here? A Yes sir.

BY MR. HASTINGS:

Q So this woman then unless Ben was born during slave time after you left down there. This woman if she is your child was born during slave time after you left down there? A Yes sir, she must have been.

Q That is after you left and went into the army? A I couldn't tell that.

Q She wasn't born before you left because you said you never saw her? A Well, I wasn't living at the same place I said. So many places I had a wife and I always stayed with them.

Q You had one child by this Eliza named Mary, that Mary Hill there at Tahlequah, didn't you? A No sir, I didn't, now let me speak a few words, Lina, Benny and all of them were raised in Flint, born there at Blair's.

Q Mary Hill was too, wasn't she? A Yes sir.

Q She is older, Mary Hill is that this woman? A Mary is older than this one.

WITNESS EXCUSED.

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WASHINGTON, D.C. 20548

MARINA WATKINS RECALLED:

ON BEHALF OF THE COMMISSIONER:

Q Do you know Mary Hill? A Yes sir.
Q Did you ever see her? A Yes sir.
Q Whereabouts? A Here the last time, I was at court right here.
Q When she testified in your case? A Yes sir, I have seen her there.
Q Was that the first time you ever saw her? A No sir.
Q Where did you see her then? A At Tahlequah.
Q How long ago? A A number of years ago, I couldn't tell you how long.
Q Had it been 20 or 25 years or how long? A I expect it has been how long.
Q Well were you about grown or were you up in years? A I was about grown.
Q Did you ever see young Ben Grimmett? A Yes sir.
Q What kin are you and young Ben? A He is my youngest brother.
Q When was the first time you ever saw him? A I haven't seen him, the last time I seen him he was on Lightning Creek.
Q When was the first time you ever saw him? A He was at Aunt Darkey Buffingtons.
Q How long ago was that? A I couldn't tell you.
Q Was that about the time you first saw Mary Hill? A No sir.
Q You never saw either of them when you were a child did you? A Yes sir, I saw them when I was a child and recollect them.
Q You never lived in the same family? A No sir, I stayed with the same people until I went down to Sequoyah.
Q The same people they did? A Yes sir, until I went down to Sequoyah and stayed there until I was married.
Q Were you always recognized as brother and sister? A Yes sir.

WITNESS EXCUSED.

The applicant and the attorney for the Cherokee nation both announce that they have no further testimony to introduce, and consent that the case may be closed and a decision prepared upon the testimony heretofore introduced.

George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 13th day of August, 1903.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 15, 1906.

MEMORANDUM PROCEEDINGS had in the alleged application for the enrollment of MARTHA HAYNES as a Cherokee Freedman.

MARTHA HAYNES, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Martha Haynes.
Q How old are you? A About 54 year old, one where along there.
Q You claim you are a Cherokee Freedman? A Yes sir.
Q Did you ever appear before the Commission before today? A No sir not this Commission I haven't, I haven't been able to you know.
Q Didn't appear before this and make application? A No sir I never have made application before this.
Q Anybody make it for you? A No sir, I sent word that I wasn't able to come.
Q Sent word by whom? A To Mr. Needles.
Q Where? A Up to Vinita.
Q But you never appeared? A No sir I wasn't able to.
Q Did you write a letter to him? A Yes sir.
Q From where? A From Muskogee.
Q Did you get an answer to it? A Yes sir.
Q Where is that letter? A My husband has got it.
Q You want to offer this letter in evidence? A Yes sir.

Applicant offers in evidence a letter from the Commission, dated Vinita, Indian Territory, May 21, 1901, addressed to Mrs. Martha Haynes, c/o Wiley Haynes, Muskogee, Indian Territory, and signed by T. B. Needles, Commissioner. Same is filed herewith and marked Exhibit "A."

Q After you got this letter did you appear before the Commission anywhere? A No sir.
Q Why didn't you? A I wasn't able to.
Q Where have you been living since May 21, 1901? A Right here in Muskogee.
Q Have you ever lived away from Muskogee? A I did go off and stay a little while for my health but I come back.
Q When did you go away? A A good while ago about two or three years, just stayed a year.
Q Why didn't you send your husband up here? A I did.
Q Did he come? A Yes sir he come.
Q You don't know about it yourself, you didn't come with him?
A No sir I come the next day or two after that.
Q When was that? A Day before yesterday.
Q That was the first time you ever came before the Commission?
A Yes sir.

WILEY HAYNES, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Wiley Haynes.
Q Where do you live? A Here in Muskogee.
Q Did you ever apply to the Commission for the enrollment of your wife? A Yes sir me and her both went over to Fort Gibson.

Q When was that? A In 1901.
Q How old are you? A 58.
Q Are you married? A Yes sir.
Q Who is your wife? A The applicant, Martha Haynes.
Q Didyou ever make application for your wife as a Cherokee Freedman? A Yes sir.
Q Where? A We first went over to Fort Gibson.
Q When did you go there? A In 1901.
Q What month was that? A I couldn't exactly tell but I think it was sometime in the spring.
Q Who went with you? A My wife here.
Q Before whom did you appear? A Before Mr. Needles over there at Fort Gibson.
Q Wouldn't Colonel Needles hear you? A She didn't have any witnesses. right at present.
Q What did he say? A He said we would have to wait until we got our witnesses, and after that my wife taken sick and of course the Court held at Fort Gibson awhile and then it went from there up to Vinita and so I writes them a letter that my wife was sick, wasn't able to meet with them up there, and he wrote back to me that if she wasn't able to meet up there to meet down here, and when he got down here she was sicker and I saw her health wasn't goo and I took her to Colorado for her health.
Q How long did you stay out there? A About a year and a half, maybe two years.
Q When did you start for Colorado? A In think in the Spring of 1902.
Q You were notified by Colonel Needles that you could appear here anytime after September 1, 1901, at Muskogee, why didn't you appear? A I didn,t care to appear without my wife, she wasn:t able to appear with me.
Q You were living in Muskogee at the time? A Yes sir.
Q And have lived here ever since? A Yes sir.
Q What have you been doing all this time since the spring of 1902?
A I told you, and when I come back I have been back ten or twelve months now.
Q Why didn't you come up right-a-way after you came back? A I didn't know the court was in session.
Q When did you find out? A Two or three weeks ago.
Q Didn't you know the rules have been closed for almost three years? A No sir I didn't.

MARTHA HAYNES, being recalled, testified as follows:

BY THE COMMISSION:
Q Did you go to Fort Gibson four years ago? A Yes sir I went to Fort Gibson.
Q Why didn't you tell me that before? A I did tell you I been to Fort Gibson, and you didn't ask me if I went befor e Mr. Needles.
Q When was that? A I don't know how long it has been.
Q When I asked you in the beginning whether or not you ever appeared before the Commission, you said no? A You didn,t ask me whether I went over to Fort Gibson, you never asked me that.
Q Where did you see Mr. Needles at Fort Gibson? A Back to the settlers.
Q Was he fishing or what was he doing? A Enrolling I guess.

Q Was he inside of any house? A Yes sir.
Q Were you sworn? A No sir, they didn't swear me, I just went and
set down and he commenced to talk to me, I didn't have my
mind with me and he told me he would give me another opportunity.
Q Have you got any [illegible]? A I have not one.
Q Never applied for him? A [illegible] I would to apply for him
if he would.
Q How old is that child? A [illegible]
Q Is he living with you? A [illegible]
Q Where is he living now? A [illegible] Clay, Missouri.
Q How long has he been there? A [illegible]
Q What is he doing there? A [illegible]

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Applicant files letter from Auting Commissioner, dated August 2, 1904, and marked Exhibit "A."

Q Was he inside of any house? A Yes sir.
Q Were you sworn? A No sir they didn't swear me, I just went and set down and he commenced to talk to me, I didn't have my Aunt with me and he told me he would give me another opportunity.
Q Have you got any children? A I have got one .
Q Never applied for him? A Yes sir I want to apply for him with myself.
Q How old is that child? A About 15.
Q Is he living with you? A No sir.
Q Where is he living now? A He is in Jefferson City, Missouri.
Q How long has he been there? A About four years I think.
Q What is he doing there? A He is in the penitentiary.

Applicant files letter from Acting Secretary of the Interior, dated August 8, 1901. same is filed herewith and marked Exhibit "B."

----------oOo----------

George H. Lemley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lemley

Subscribed and sworn to before me this 16th day of February, 1905.

Chas. A. Sawyer

Notary Public.

Cherokee Freedman D-1341.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 2, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARTHA HAYNES, ET AL., as Cherokee freedmen.

APPEARANCES:

FOR APPLICANTS, Merritt Ralick.
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

By agreement between Merritt Ralick, Attorney for the applicants, and the attorneys for the Cherokee Nation, this case was set for hearing at nine o'clock A. M., on this November 2, 1905. The Cherokee Nation is present by its attorneys, W. W. Hastings and James S. Davenport, and the applicants by their attorney, Merritt Ralick, who announces that he has been unable to communicate with his clients and has no testimony to offer on this day. As Martha Haynes has been notified by registered letter on several different occasions and her case set for hearing a number of times, several of which she has failed to appear for the purpose of offering further testimony, this case will be closed and a decision rendered on the evidence heretofore introduced.

----------oOo----------

George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 3rd day of November, 1905.

David Morris
Notary Public.

COPY.

Cherokee Freedman D 1541

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha and Allen Haynes as Cherokee Freedmen.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That, on February 15, 1906, Martha Haynes appeared before the Commission to the Five Civilized Tribes and testified relative to certain correspondence had by her with the Department and the Commission, all of which was authenticated by the records of this office; that on May 1, 1906, the Commission, following the ruling of the Department in the case of Lafayette E. Brooks, et al. (I.T.D. 2788-03), held that said correspondence constituted an application for the enrollment of Martha and Allen Haynes as Cherokee freedmen, and that said application was made to it within the time limited by the act of Congress approved July 1, 1902 (32 Stat., 716); and that in accordance therewith further proceedings in the matter of said application were had on May 16, June 18 and 28, August 10, and November 8, 1905, at Muskogee, Indian Territory. Certified copies of the applicants' mailing and Kern-Clifton enrollments, and their cancelled enrollment on the Cherokee Census roll of 1896, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Martha Haynes, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the provisions of Article IX, Treaty of 1866, and that the applicant Allen Haynes, claims the same right as her descendant. All the material points in this case are contested.

MARTHA HAYNES, applicant, on May 16, 1906, at Muskogee, Indian Territory, testified: That she is about 34 years old, is a daughter of Ben Chronister and one Eliza Blair, deceased, who were born before the war; that at the commencement thereof, both the mother of Eliza Blair, a Cherokee Indian who lived in Illinois

District, Cherokee Nation. That she was too young to remember the rebellion, and that at her earliest recollection she was living with Aunt Darcus Buffington, where she remained for several years, and that later she worked for and lived with one Mrs.Cotton. That her son, Allen Haynes, is about 18 years old, was born at Mrs. Wright's place in Sequoyah District, and is the child of Ben Patton, a Choctaw freedman, who died at Scullyville, Choctaw Nation, a few months prior to the birth of his son; that her son Allen is in the penitentiary, and was sent there for six years, from Joplin, Missouri. That she married her present husband, Wiley Haynes, in the Cherokee Nation about twenty-four or twenty-five years ago; that she has two sisters and one brother living, named Mary, Jane and Bennie Grimmett; and that prior to living with her aunt, Darcus Buffington, she had lived with her father, Ben Grimmett.

ELLIS GRIMMETT, in behalf of applicants, same date, testified: That he is about 62 years old, had heard of the applicant a good many times before, but never saw her until sometime during the war, that she was about eight or nine months old then, and that he did not see her again till eight or nine years ago. That her mother was named Eliza Blair and belonged to Betsy Blair, and "they say Ben Grimmett is her father"; that Ben Grimmett and Eliza Blair lived together before the war, and had five or six children, named Bennie, Mary, Rachel, Jane and Sarah; that all are full brothers and sisters, and were born prior to the commencement of the rebellion, except the applicant, who was born "just about the beginning of the war". That Mary is now named Haynes (Hill?) Rachel is named Digus, but don't know the present names of Jane and Sarah. That he only knows from what people say that applicant is the baby he saw during the war and that if she is as old as she claims to be she could not have been that child.

XENIA BREWER, in behalf of applicants, same date, testified: I am 60 years old and have known Martha Haynes since she was a little baby. She is a daughter of Eliza Blair and Ben Grimmett, both slaves. I first saw her when her mother died of the cholera, just after the war. She was then living with her father and mother, and later was taken by her aunt Darcus Buffington to raise, and the next time I saw her she was married to Wiley Haynes. If this applicant is as old as she claims to be she is not the child I saw at the time Eliza Blair died. After her mother died and before she married Haynes, I used to see this woman, Martha Haynes, and her sister, Mary Hill, attending church at Fort Gibson. She married Wiley Haynes at Aunt Darcus Buffington's house on Fourteen-mile Creek.

WILEY HAYNES, in behalf of applicant, same date, testified: I first became acquainted with Martha Haynes in Sequoyah District about twenty-four years ago, and on April or May 15, 1881, we were married. She at that time had a child nine or ten months old named Allen, who is now in the pen. He was sent up from Muskogee in 1903, for larceny, he was also sent up from Joplin,

Missouri, several years ago, but I don't know what for.

MARY HILL, in behalf of Cherokee Nation, on June 15, 1905, testified: I have lived at Tahlequah about twenty-five years, I guess. I lived at Fort Gibson before I moved to Tahlequah, and when I can first remember I was living in Flint District-this was during the war. I am a daughter of Ben Grimmett and Eliza Blair, deceased, and have two brothers, also four sisters, named Jane, Polly, Rachel and Mary. Mother did not have but six children, and I have no half sisters that I know of. My mother died about twelve or fourteen years ago, I was about twelve years old at the time. After her death Aunt Darkey Buffington took Rachel and Ben (Grimmett, on final Cherokee Freedman roll) to her home on Fourteen-mile Creek. My sister Rachel since died at Tahlequah. She lived with Aunt Darkey about ten years, and during that time I visited her frequently-- two or three times a year-- I never knew the applicant, Martha Haynes until about the time of the payment in 1897 . When I heard of her then, they said she was my sister. I never saw her around Fort Gibson after the war, and she did not live with Aunt Darkey Buffington during the time my sister Rachel lived there. I don't know my age. After my mother's death I went to live with my aunt, Julia Reese at Tahlequah . Aunt Darkey Buffington had about eighteen or nineteen children and grandchildren living with her, but I can remember the names of only five or six of them.

MARGARET SANDERS, in behalf of Cherokee Nation, on June 22, 1905, testified : I am about 55 years old, was born and raised on Fourteen-mile Creek, and have lived in the Cherokee Nation all my life. I have known Aunt Darkey Buffington since during the war, and at one time I was her daughter-in-law. I know Mary Hill, also knew her mother, Eliza Blair, but did not know her father. I knew Rachel and Bennie Grimmett, children of Eliza Blair, and after their mother's death they lived with Aunt Darkey Buffington on Fourteen-mile Creek. At that time I was living in Fort Gibson. Martha Haynes was living at Muskogee when I first became acquainted with her. She told me that she was the daughter of Eliza Blair. I never saw her in the Cherokee Nation before meeting her in Muskogee. I got acquainted with Eliza Blair during the war, and at her death she had no daughter named Martha. I did not know all of Eliza Blair's children, but remember that when she died Julia Reese took Mary and Aunt Darkey Buffington took Rachel and Bennie. Darkey Buffington had a big family of children and grandchildren at that time, probably eight or nine, I can remember the names of only some of them, Jessie, Helen, Rachel, Bennie and Narcissus.

NARCISSUS DATTON, in behalf of Cherokee Nation, same date, testified: I am about 30 years old and my postoffice is Melvin. I am a daughter of Darkey Buffington, who is now living with me. We have always lived to other or within a short distance of each other since the war. Eliza Blair was related to me but

I wasn't well acquainted with her. She died shortly after we returned from the south. I do not know the applicant, Martha Haynes, and if she ever lived with my mother it is beyond my memory. I knew three of Eliza Blair's children, Rachel, Benny, and Mary Hill, who now lives at Tahlequah. Ben Grimmett is Mary Hill's father. My mother raised Benny and Rachel. I never saw the applicant to know her. "Q. Look at her (indicating applicant) and see if that woman ever lived with your mother's family? A. No sir, not that I know anything about."

MARTHA HAYNES, applicant, on August 10, 1905, testified: I do not know my age, I guess I am about fifty-three. My father is named Ben Grimmett, he is a citizen of the Cherokee Nation and my mother was named Eliza Blair, she is dead. I never lived with my father after the war. I first remember seeing him at Fort Gibson, but don't know when that was.

BEN GRIMMETT, in behalf of applicant, same date, testified: I guess I am about 68 or 70 years old, and my postoffice is Nowata. I am a Cherokee Freedman on the 1880 roll. The applicant, Martha Haynes, is my daughter. Liza was the name of her mother, and was a slave of John Riley, who married her mistress. Liza and I never married, we just took up, don't know how long we lived together. I think this applicant was born about the time of the war. I was not living with her mother when she was born and never saw her till about six or seven years ago. I never saw her mother after Martha was born, but she told me before Martha's birth that she was my child. Her mother went south and I went north during the war.

"Q. Whereabouts in the Cherokee Nation did Eliza Blair live? A. In Flint district.
Q. Did she live close to where you did? A. Yes sir.
Q. What was your master's name? A. Grimmett, we lived about four miles from there (Eliza Blair's) I guess.
Q. When was it Eliza went south, did she go south before or after you went north? A. No sir, she never did go south.
Q. Did she leave Blair's place before you left Grimmett's place? A. Yes sir, she was right there.
Q. But this Martha Haynes was not born till after her mother left Blair's place was she? A. I couldn't tell you. I hardly ever got to see my woman. We colored men had from six to seven wives. It wasn't like it is now, one particular wife, we always had as many wives as we could get.' Eliza and I had about five children besides Martha: Riley, he is dead, Mary Hill and Ben Grimmett Jr., and another one (Rachel) she died.
"Q. So this woman then, uncle Ben was born during slave time after you left down there. This woman if she is your child was born during slave time after you left down there? A. Yes sir, she must have been.
Q. That is after you left and went into the army?
A. I couldn't tell that.
Q. She wasn't born before you left, because you said you never saw her? A. Well, I wasn't living at the same place, I said. So many places I had wives, and I always stayed with them."

All these children were born at Blair's place and raised in Flint district . Mary Hill is elder than Martha.

MARTHA HAYNES, applicant, re-called: I first saw Mary Hill at Tahlequah, a number of years ago. When I was about grown. I have seen Ben Grimmett Jr., he is my youngest brother. The last time I saw him was at Aunt Darkey Buffington's I saw both of them when I was a child and stayed with the same people till I went down to Sequoyah. We were always recognized as brothers and sisters.

"The applicant and the Cherokee Nation both announce that they have no further testimony to introduce, and consent that the case may be closed and a decision prepared upon the testimony heretofore introduced."

"By agreement between Merritt Ralick, attorney for the applicants, and the attorneys for the Cherokee Nation, this case was set for hearing at nine o'clock A. M., on this November 2, 1905. The Cherokee Nation is present by its attorneys, W. W. Hastings and James S. Davenport, and the applicants by their attorney, Merritt Ralick, who announces that he has been unable to communicate with his clients, and has no testimony to offer on this day. As Martha Haynes has been notified by registered letter on several different occasions, and her case set for further hearing a number of times, on several of which she has failed to appear for the purpose of offering further testimony, this case will be closed, and a decision rendered on the evidence heretofore introduced."

Neither of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee Census roll of 1896.

This office has endeavored to afford the applicants ample opportunity to introduce evidence that would satisfactorily establish the material points at issue in this case, but after six hearings the testimony remains confusing, conflicting and contradictory. The testimony of the principal applicant, aside from the fact that she is contradicted by her own witnesses as to her age, her residence, living with her father, etc., is too weak to establish her right to Cherokee freedman citizenship.

Eliis Grimmett, uncle and witness in behalf of Martha Haynes, testifies that he heard of the applicant a good many times before the war, but later says he never saw her till during the war, and that she then appeared to be eight or nine months old. That he next saw her "eight or nine years age" and that "if she is as old as she says she is" she is not the same person he saw when a baby eight or nine months old. He further identifies the applicant as "Mary" now Haynes. There was a Mary among the children of Ben Grimmett and Eliza Blair, who is now named Hill,

is on the 1880 roll and the final Cherokee freedman roll, opposite No. 3038. This looks like a case of mistaken identity.

Senia Brewer first testified that she saw the principal applicant at Fort Gibson, and that she was then a little baby living with her father and mother; that she was later taken by Aunt Darcus Buffington to raise and that she did not see her again until she had married Wiley Haynes. Witness later changed this statement and testified that she did see the applicant during the interval between the time when Aunt Darcus took her to raise and her marriage to Haynes; saw her on several occasions attending church at Fort Gibson in company with her sister, Mary Hill. This witness further states that if Martha Haynes is as old as she testifies she is, she is not the baby she saw at Fort Gibson living with Ben Grimmett and Eliza Blair.

Wiley Haynes husband and witness in behalf of Martha Haynes, testifies to nothing material.

Mary Hill in behalf of Cherokee Nation, testifies that she is a daughter of Ben Grimmett and Eliza Blair, that her mother had but six children, whom she names, but denies knowing Martha Haynes. That she never knew the principal applicant till about 1897, but had heard that she was her sister. She also gives the name of her brother and sister that Aunt Darkey Buffington took to raise, after the death of Eliza Blair, and says that she frequently visited them, but never saw the principal applicant there, nor ground Fort Gibson after the war. This witness does not know her age nor anything of dates, but it is evident from the testimony of several witnesses in this case that she was born prior to the rebellion.

Margaret Sanders in behalf of Cherokee Nation, testifies that she has known and lived close to Aunt Darcus Buffington since during the war, but never knew of the principal applicant living with her. Also that she knew Eliza Blair but never knew the applicant before meeting her at Muskogee a few years ago.

Narcissus Dalton, daughter of Aunt Darcus Buffington, testifies that Martha Haynes never lived with her mother, so far as she knows, and that if she had she certainly would have known it.

Ben Grimmett, alleged father of Martha Haynes testifies in her behalf but fails to show that applicants have any Cherokee citizenship rights.

It is considered significant that the family of which Martha Haynes claims to have been a member is identified on the 1880 roll, while she is not. This is negative evidence to the effect that the Cherokee Nation did not consider her entitled to Cherokee freedman citizenship. Positive evidence to the same effect is shown in the Cherokee Nation's cancellation of the 1893 enrollment of these applicants.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the principal applicant was born prior to the commencement of the rebellion, but fails to satisfactorily show that she possesses any rights to Cherokee Freedman citizenship, hence, her application for enrollment comes within

the ruling of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector, (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ad Williams (I.T.D. 4230-04), Moses Ross, (I.T.D. 6056-04), Jane Looney et al., (I.T.D. 6410, 12666-04), Florence Bratcher (I.T.D. 12692-04) and Mary Gunter et al., (I.T.D. 7746-05); and that the applicant, Allen Haynes was born since the close of the rebellion, is a son of the principal applicant, and possesses no rights to enrollment as a Cherokee freedman other than as her descendant.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Martha Haynes and Allen Haynes are not entitled to enrollment as Cherokee Freedmen and their application for enrollment as such is accordingly denied.

(SIGNED) Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this FEB 20 1906

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

47ms.

In the matter of the application for the enrollment of Martha Haynes and her son, Allen Haynes, as Cherokee Freedmen.

O R D E R.

From the record in this matter it appears that on July 25, 1901, the said Martha Haynes wrote to the Secretary of the Interior relative to her right and that of her minor son, Allen Haynes, to enrollment as Cherokee freedmen; that on August 8, 1901, said letter was referred by the Department to the Commission "for consideration and appropriate action", and that under date of August 16, 1901, the Commission notified the said Martha (Hayes) Haynes that it would be necessary for her to appear in person before it in order to make application for enrollment. Subsequently a ruling was made by the Department that application for enrollment as a citizen of the Cherokee Nation may be made by letter. The records of the Commission show that the said Martha Haynes is identified on the Wallace and Kern-Clifton rolls, and that the said Allen Haynes is identified on the Kern-Clifton roll.

The record in this matter further shows that good and sufficient reasons existed for the said Martha Haynes' inability to appear before this Commission in person prior to October 31, 1902, and that said letter of July 25, 1901, was written to the Department for the purpose of having the said Martha and Allen Haynes considered as applicants for enrollment as Cherokee freedmen.

It is, therefore, the opinion of this Commission that,

following the ruling of the Department in the case of Lafayette E. Brooks et al. (I.T.D. 2798-03), application was made to it for the enrollment of Martha Haynes and Allen Haynes, as Cherokee freedmen, within the time limited by the Act of Congress approved July 1, 1902 (32 Stat., 716), and that the Commission should now proceed to hear and determine said application, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this MAY 7 1905

D&D

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
Memorandum.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 1, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 1, 1905, holding that application was made for the enrollment of Martha Haynes, et al., as Cherokee freedmen, within the time provided by the Act of Congress approved July 1, 1902 (32 Stats., 716).

The said Martha Haynes has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, May 18, 1905, and introduce such testimony as she may desire in support of said application. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

Chairman.

Incl. S-2

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen D 1341

Muskogee, Indian Territory, July 13, 1905.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In re application for the enrollment of Martha Haynes, et al., as Cherokee freedmen. You are hereby advised that the said Martha Haynes has this day been notified that she will be permitted to appear at the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, July 27, 1905, and introduce testimony tending to show that she is the daughter of Ben Grimmett, and further testimony as to the date of her birth.

You are further advised that the Cherokee Nation will be permitted to appear on said date and introduce such testimony as it may desire, in rebuttal.

Respectfully,

[illegible] Commissioner.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman D-1341.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 5, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the Cherokee freedman enrollment case of Martha Haynes et al., the principal applicant was notified to appear before the office of the Commissioner to the Five Civilized Tribes on July 27, 1905, and introduce further evidence in said case. She failed to appear on that day and she has this day been notified that before a decision can be rendered in her case it will be necessary that further testimony be introduced tending to show whether or not she is the daughter of Ben Grimmett.

You are, therefore, hereby notified that she has been requested to advise this office if she desires her case closed, and a decision rendered on the evidence heretofore introduced, and if not she has been notified she would be permitted to appear before this office on August 10, 1905, for the purpose of introducing any testimony she desires as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any evidence in rebuttal it desires.

Respectfully,

GHL

Commissioner.

REFER IN REPLY TO THE FOLLOWING.
Cherokee Freedmen
D-1341.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed you herewith a copy of supplemental testimony of August 10, 1905, in the matter of the application for the enrollment of Martha Haynes, et al., as Cherokee freedmen.

Respectfully,

Tams Bixby

Acting Commissioner.

LS
Incl. S-36

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 1341

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 28, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the supplemental testimony taken on June 22, 1905, in the matter of the application for enrollment as Cherokee Freedmen of Martha Haynes, et al.

Respectfully,

Commissioner

LMB

1 Incl.-B54

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
P-1341,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 16, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Martha Haynes, et al., as Cherokee freedmen, you are advised that before a decision can be rendered it will be necessary that further testimony be introduced as to whether or not the principal applicant was the slave of a Cherokee citizen, and if so, whether she left the Cherokee Nation during the civil war, and as to her return thereto and residence therein after the civil war.

The said Martha Haynes has, therefore, this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, September 28, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

W. O. Beall

LS

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D-1341

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 4, 1905.

Bell, [redacted] & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings had in the matter of the application for the enrollment as Cherokee Freedman of Martha Haynes, et al., Cherokee Freedman D-1341, taken at Muskogee, Indian Territory, on November 2, 1905.

Respectfully,

Commissioner.

Incl. GL-[redacted]
GHR.

REFER IN REPLY TO THE FOLLOWING

Cherokee
F D 1341

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906, rejecting the application for the enrollment of Martha and Allen Haynes as Cherokee freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

Incl. GL-125.
GHL

Land
17408-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
(COPY) WASHINGTON. January 7, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated February 20, 1906, transmitting the record relative to the application of Martha Haynes et al., for enrollment as Cherokee freedmen.

On February 15, 1905, Martha Haynes testified before the Commission to the Five Civilized Tribes relative to an application alleged to have been made in writing for the enrollment of herself and her son, Allen Haynes, as Cherokee freedmen.

On February 20, 1906, the Commissioner held that the application above referred to was sufficient, but that the applicants were not entitled to such enrollment.

The principal applicant claims the right to be enrolled as a Cherokee freedman under the provisions of Article 9 of the Treaty of 1866.

A preponderance of the evidence established the fact that the applicant is not entitled to such enrollment, under the provisions of the Article above cited.

Allen Haynes, son of the principal applicant, possesses

no right to be enrolled as a Cherokee freedman other than that derived from his mother.

The decision of the Commissioner adverse to the applicants is recommended for approval.

Respectfully,

C. F. Larrabee,

Acting Commissioner.

HWD--SD

D.C. 6306-1907.
I.T.D.360-1907.

(COPY)

C R.E.

LRS.

DEPARTMENT OF THE INTERIOR LLB.

WASHINGTON.

January 29, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 20, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Martha Haynes and her son, Allen Haynes, as Cherokee freedmen, including your decision of the same date, adverse to the applicants.

Reporting January 7, 1907 (Land 17408-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 16, 1907.

W. B. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 20, 1906 rejecting the application for the enrollment of Martha Haynes, et al., was affirmed by the Secretary of the Interior, January 29, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.HJ-57.
HJC

Cher. Fr. D - 1342

Cher. Fr. D - 1342

Cherokee Freedman D 1342.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 25, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE LYNCH as a Cherokee Freedman.

APPEARANCES:
For Applicant, In person.
For Cherokee Nation, J. S. Davenport.

The records of this office show that on January 4, 1906, the applicant and the attorneys for the Cherokee Nation were notified that they would be permitted to introduce any evidence they desired in this case on January 25, 1906, at which time the following proceedings were had.

GEORGE LYNCH, being first duly sworn, testified as follows:

ON BEHALF OF COMMISSIONER:

Q What is your name? A George Lynch.
Q How old are you? A I am 46.
Q What is your post office? A Bokchito.
Q You claim to be a freedman citizen of some Nation in Indian Territory? A Yes sir, I claim to be a Cherokee citizen of the Cherokee Nation.
Q What is the name of your father? A My father was Will Lynch, or William Lynch.
Q Is he living? A He was about 8 years ago, he was living.
Q Was he a Cherokee freedman? A Yes sir.
Q Did he live in the Cherokee Nation? A Yes sir.
Q What is the name of your mother? A My ~~mm~~ mother's name was Tib.
Q Tib Lynch? A Yes sir, that was her name but not at the time of her death.
Q What was her last name? A She married a Choctaw freedman the last time, Tob Chock, that was her last name.
Q She is dead is she? A Yes sir.
Q Was she a Cherokee or Choctaw freedman or either? A She was a Cherokee freedman, she belonged to a Cherokee.
Q Are you married? A Yes sir.
Q What is the name of your wife? A My wife is Adaline.
Q She got any other name? A No sir, she was a Dana before I married her.
Q Have you some children? A Yes sir.
Q Are they enrolled as Choctaw freedmen? A Yes sir.
Q Were you married before you married your present wife? A Yes sir.
Q What was your former wife's name? A Her name was Lucinda, she was Lucinda Garland before I married her.
Q Are you the identical George Lynch who appeared before the Commission to the Five Civilized Tribes on August 21, 1899 and made application for enrollment? A At Caddo.

Q Yes? A I am the one that made application for my wife but not myself. I never did claim Choctaw freedman.
Q Did you at that time make application for your own enrollment as a citizen of the Cherokee Nation? A No sir, I stated to them but they said they couldn't handle me case then, said they couldn't handle my case at that time.
Q What was the nameof your owner? A Joe Martin.
Q Was he a citizen of the Cherokee Nation? A Yes sir, so said to be, he was a Cherokee citizen.
Q Cherokee by blood? A Yes sir, that is what they told me, I was small, I just sorter remember him.
Q To whom did your father William Lynch belong? A He belonged to Joseph Lynch.
Q Was he a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Was said to be.
Q To whom did your mother belong? A She belonged to Joe Martin.
Q Same owner as you? A Yes sir.
Q Did you leave the Cherokee Nation during the war or before the war?
A I left during the war, I was a refugee.
Q Where did you go? A We went into the Choctaw Nation. First went into the northern part of Texas and then back to the Choctaw Nation
Q How long did you stay in the State of Texas? A Well I really don't know, I really can't say because I was real small. No more than what my mother said, I don't suppose it was long.
Q How long did you stay in the Choctaw Nation? A I have been staying there ever since I was left a refugee, when I was small, ever since
Q You left the Cherokee Nation during the war and went to Texas and stayed there awhile and then came to the Choctaw Nation? A Yes sir.
Q Have you been there ever since? A Yes sir.
Q Have you ever made your home in the Cherokee Nation since the war? A No sir.
Q Have you ever owned or controlled any property in the Nation since that time? A No sir.
Q Have you ever been in the Cherokee Nation? A Yes sir.
Q For what length of time? A I was there about three months.
Q When was that? A That was in the year of 1889 if I mistake not. just as near as I can remember.
Q Is that the only time you have ever been in the Nation? A No sir, I have been there since then.
Q For what length of time? A I was there about two months.
Q When was that? A That was along about '96 somewhere, along about there as near as I can remember.
Q Was that the last time you have been in the Cherokee Nation?
A Yes sir.
Q haveyou ever been enrolled by the Tribal authorities as a citizen of the Cherokee Nation? A Well not knowingly.
Q Have you ever drawn any money from the Cherokee Nation? A No sir, never drawed any money. What I want to say I was enrolled on one roll, that was my business when I was up there in '89.
Q You never have drawn any money from the Cherokee Nation? A No sir.
Q When you appeared before the Commission at Caddo on August 21, 1899, you testified that you were 51 years of age at that time, you state now that you are 46? A Well I seen the statement but then the way I made before the Commission, of course I was born in the year '59, that is the year I was born in, and they were enrolling and I had married a Choctaw freedman and went up there to enroll and they asked me and I told them I wasn't a Choctaw freedman that I was a Cherokee freedman.
Q Well how about your age? A My age,--my age is 46.

Q How did you happen to give it as 51 when you appeared there at Caddo? A Well I don't know sir, it was a mistake somewheres.
Q You were born in 1859 were you? A Yes sir.

BY MR. DAVENPORT:
Q You don't know anything about the war do you? A No sir.
Q You don't know anything about your ownership do you prior to the breaking out of the war? A No sir, not more than what they told me.
Q When you can first recollect where were you living? A I was living in the Choctaw Nation when I first recollect.
Q Can you remember living in Texas? A No sir.
Q You have lived, I believe, you say ever since the war down in the Choctaw Nation? A Yes sir.
Q And you never owned any property in the Cherokee nation since the war? A No sir.
Q And have never lived in the Cherokee Nation since the war, that is had a home? A No sir, not a home.
Q Do you know where Joe Martin lived before the war of your own knowledge? A No sir, I don't know where he lived.
Q Do you know where Joe Lynch lived? A No sir, I don't know where he lived.

ON BEHALF OF THE COMMISSIONER:
Q Have you any further testimony that you desire to offer? A Yes sir, I have an affidavit here I would like to offer.
Q This office does not file affidavits in citizenship matters, if you desire to introduce the testimony of the person who signed the affidavit it will be necessary for you to introduce his testimony in person. Have you any further testimony that you desire to offer in your case? A Why no more than that I was----made application in '69 before the Commissioners at the Capital, about '69.
Q Have you any other witnesses that you want to introduce? A Yes sir, if I can get them here, I have written to my father, I don't know whether he is living or not, I haven't heard from him but I have written and I haven't got no reply. As soon as I got that notice I written him.

BY MR. DAVENPORT:
Q To what post office did you write him? A It was a little post office right below down on Grand River, what they call Island Ford.
Q Do you remember the name of it? A No sir, it was just a branch office, they taken out the mail from Adair. I written to Adair but I haven't got no return. The man that was coming with me his wife was poorly, laying low and he couldn't come with me.

ON BEHALF OF THE COMMISSIONER:
Q Do you want to continue your case in order that you may make an effort to get further testimony or your case closed and a decision rendered on the evidence already introduced? A Why if the Commission could give me a chance to furnish further evidence I would like to do so.

Q Were you ever known by any other name besides George Lynch? A No sir, no other name, that name all the time.

The Tribal rolls of the Cherokee Nation in the possession of this office have been examined and the name of the applicant can not be identified upon any of them.

This case was here continued by agreement until February 6, 1906, at nine o'clock A. M.

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H Lesley

Subscribed and sworn to before me this 26th day of January, 1906.

Myron Thiele

Notary Public.

G70B

COPY.

Cherokee Freedmen D 1342

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Lynch as a Cherokee Freedman.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Caddo, Indian Territory, on August 21, 1899, George Lynch appeared before the Commission to the Five Civilized Tribes and testified, in part, as follows: I am 51 years old. I belonged to Joe Martin, a Cherokee. I married Adaline Dana ten years ago. She is a Choctaw and belonged to Mrs. John Spring. Mrs. Spring was a Choctaw. I have some children. The said George Lynch was listed for enrollment on Choctaw Freedman D card 155.

The records further show that on December 7, 1905, the said George Lynch wrote to this office stating that he claimed the right to enrollment as a Cherokee Freedman and desired an oppertunity to introduce testimony to show his rights as such; that on December 16, 1905, by order of the Commissioner, the enlistment of George Lynch for enrollment as a citizen of the Choctaw Nation, on Choctaw Freedman card D 155 was cancelled, and said applicant was listed for enrollment as a Cherokee Freedman on Cherokee Freedman card D 1342. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, January 25 and March 29, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That George Lynch, applicant herein, was the slave of a Cherokee citizen at the commencement of the rebellion, and that during said rebellion he left the Cherokee Nation and has never since returned thereto, and established a residence therein.

said applicant can not be identified on any roll of the Cherokee Nation in the preparation of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), George Lynch is not entitled to enrollment as a Cherokee freedman, and his application for enrollment as such is accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 27 1906

(C O P Y)

COMMISSION TO THE FIVE CIVILIZED TRIBES

Caddo, I. T., August 21, 1899.

In the matter of the enrollment of George Lynch, said Lynch being sworn by Commissioner Needles and examined by him et als., testified:

I am 51 years old. I belonged to Joe Martin a Cherokee. I married Adaline Dana ten years ago. She is a Choctaw and belonged to Mrs. John Spring. Mrs. Spring was a Choctaw. I have some children.

My first wife's name was Cinda Garland. She was the slave of the Garland family and they were Choctaws.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify upon my official oath as stenographer to above named Commission that this transcript is a true , full and correct translation of my stenogr phic notes.

(Signed) B. McDonald.

Lucy M. Bowman being under oath, states that as stenographer to the Commissioner tothe Five Civilized Tribes she made the above copy and that the same is a full, true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn tobefore me the 4th day of January, 1906.

(Seal)

B. F. Harrison
Notary Public.

Choctaw F.D. 155
Cherokee F.D. 1348

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Lynch as a Choctaw (Cherokee) freedman.

--o--

O R D E R.

--o--

THE RECORDS OF THIS OFFICE SHOW: That on August 21, 1899, George Lynch appeared before the Commission to the Five Civilized Tribes, at Caddo, Indian Territory, and testified in connection with his application for enrollment, as follows: "I am 51 years old. I belonged to Joe Martin, a Cherokee. I married Adaline Dana ten years ago. She is a Choctaw and belonged to Mrs. John Spring. Mrs. Spring was a Choctaw. I have some children;" and that said George Lynch was listed for enrollment on Choctaw freedmen card, field No. D-155.

THE EVIDENCE IN THIS CASE SHOWS: That said George Lynch does not claim to be a freedman citizen of the Choctaw Nation, but claims to be a freedman citizen of the Cherokee Nation.

IT IS THEREFORE ORDERED: That the enlistment of George Lynch on Choctaw freedmen card No. D-155 be cancelled; that he be listed for enrollment on Cherokee freedmen card No. D-1348; that the record in Choctaw freedmen case D-151 be transferred to Cherokee freedmen case No. D-1348, and that proper steps be taken in order to determine the right to enrollment as a Cherokee freedman of said George Lynch.

Tams Bixby
Commissioner.

Muskogee, Indian Territory,
this DEC 16 1905

(C O P Y)

Bokchito, Ind. Ter.

Dec. the 7, 1905.

Dear Sir Commission tothe five civilized Tribes Muskogee, I.T. Yours of the 28 received in whitch I has to say in regardes of my rites I have nevery yet made application as Choctaw Freedman. I am a Cherokee Freedman and on the 6 or 7 of September 1904 at Atoka I. T. I made a statement before your hornable Commission as to my rites as a Cherokee Freedman so you did not let me know about my statement I made at that time so I did not know what to do. so your honor if I has any chance to get my rites as Cherokee Freedman Please let me know at once or if not let me know or I would like to established my rites as entermarige with Choctaw freedman if you would asepted of surch Prof. so please let me know if I can give you surch Prof.

Yours truly

(Signed) George Lynch.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 3, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated December 16, 1905, cancelling the enlistment of George Lynch on Choctaw Freedman Card D 155 and listing his name on Cherokee Freedman card No. D 1342 as an applicant for enrollment as a Cherokee freedman. There is also inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of the said George Lynch.

You are advised that this applicant has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, January 25, 1906, and introduce further testimony as to his right to enrollment as a Cherokee freedman. The Cherokee Nation will also be permitted to appear on that day and introduce such testimony as it desires in this case.

Respectfully,

Commissioner.

Incl. GL-51.
GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D 1342.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 26, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony had in the matter of the application for the enrollment of George Lynch as a Cherokee freedman, taken at Muskogee, Indian Territory, on January 25, 1906.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-75.
GHL

REFER IN REPLY TO THE FOLLOWING

Cherokee
F D 1342

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 27, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on motion of the Commissioner the hearing in the Cherokee freedman enrollment case of George Lynch has been continued from March 8, 1906, to March 29, 1906, at nine o'clock A. M.

Respectfully,

Acting Commissioner.

GHL

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-1342

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 27, 1906.

Bell, Hastings and Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, rejecting the application of George Lynch for enrollment as a Cherokee Freedman.

The decision, together with records of proceedings had in the case, has this day been transmitted to the Secretary of the Interior, for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. H.J.126.
H.J.C.

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR

Land
66234-1906.

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith for Departmental consideration report of Commissioner Bixby, dated June 27, 1906, together with the record in the matter of the application of George Lynch, for enrollment as a Cherokee freedman.

The record shows that on August 21, 1899, the applicant appeared before the Commission at Caddo, I. T., and testified that he was 51 years old; that he belonged to Joe Martin, a Cherokee citizen; that about ten years prior to date of testifying he married Adaline Dana, a Choctaw, who was a slave of Mrs. John Spring, a Choctaw citizen; and that he has children. George Lynch, was listed for enrollment on Choctaw freedmen card, field D. 155.

The Commissioner reports that on December 7, 1905, the applicant addressed a communication to his Office, a copy of which accompanies the record, in which he claims the right to enrollment as a Cherokee freedman and requested an opportunity to introduce testimony to show his right as such, that on December 16, 1905, the enlistment of George Lynch, for enrollment as a citizen of

the Choctaw Nation, as above, was canceled, and applicant was enlisted for enrollment as a Cherokee freedman on Cherokee freedman card D 1342. Further proceedings were had at Muskogee, on January 25 and March 29, 1906.

The record shows that the applicant was a slave of a Cherokee citizen at the commencement of the civil war and that during the war he left the Cherokee Nation and has never returned thereto or established a residence therein.

Commissioner Bixby says the applicant can not be identified on anyroll of the Nation in the possession of his office.

It is recommended thatthe application of George Lynch for enrollment as a Cherokee freedman be denied, it appearing that he is not entitled to enrollment under Section 3, Act of April 26, 1906, (34 Stat. L.137).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A.J.W.

M.B.M.

D.D.55237-1906. (COPY) J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.24462-1906.

L.R.S.

December 13, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 27, 1906, you transmitted the record in the matter of the application for the enrollment of George Lynch as a Cherokee freedman, including your decision of the same date, adverse to the applicant.

Reporting December 5, 1906 (Land 56234), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) (Jesse E. Wilson,
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-1342.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 27, 1906, denying the application for enrollment of George Lynch as a Cherokee freedman, was affirmed by the Secretary of the Interior, December 13, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-24
JMH

Cher. Fr. D

Cher. Fr. D

Jackets 1343 Thru 1413 Missing

EMPTY

Cher. Fr. D - 1414

Cher. Fr. D - 1414

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FT. GIBSON, I. T., AUGUST 20th, 1900.

IN THE MATTER OF THE APPLICATION OF John Harmon, wife and children, for enrollment as citizens of the Cherokee Nation, and he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Harmon.
Q What is your age? A About forty-two.
Q What is your post office? A Fawn, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A Canadian.
Q How long have you lived in Canadian District?
A About thirty-three or thirty-four years.
Q Continuously that long? A Yes sir.
Q For whom do you apply for enrollment?
A Myself, wife and children.
Q What is your father's name? A He was a white man; his name was Jim Harmon.
Q What is your mother's name? A Margaret Harmon.
Q Is she living? A No sir.
Q She was a citizen? A Yes sir.
Q Did she die before 1880? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Margaret Harmon.
Q Is she a citizen by blood? A No sir.
Q When were you married to her? A Nineteen years ago.
Q Her father and mother are non-citizens? A Yes sir.
Q Her name does not appear on the roll of 1880? A No sir.
Q Have you any evidence of your marriage? A There is a woman here who was present when I was married.
Q Is your wife living? A Yes sir.
Q What are the names of your children, under age, at home?
A Mary Harmon?
Q How old? A Sixteen.
Q She is living? A Yes sir.
Q Next one? A That is all.
Q You have no certificate of marriage? A No sir.
(Applicant identified on the roll of 1880, Page 22, #614, John Harmon, Canadian District) (1896 roll, Page 32, #881, John Harmon, Canadian District)
(Applicant's wife identified on the roll of 1896, page 88, #113, as Margaret Harmon, Canadian District)
(1896 Roll, Page 32, #882, Mary Harmon, Canadian District)

By Mr. W. W. Hastings, Cherokee Representative.
Q Were you divorced from Alice Harmon, your former wife?
A We never were married.
Q Were you living with her in 1880? A I do not think I was.
Q Did you ever live with her? A Yes sir.
Q How long did you live with her? A Something over a year.
Q You lived with her, as husband and wife, during that time?
A Yes sir.
Q Have any children by her? A No sir.
Q Is this second wife a white woman? A Yes sir.

By the Commission:
Q I understand that you lived with a former wife, named Alice Harmon and that she was enrolled as your wife in 1880?
A I never enrolled myself in 1880; an uncle enrolled me.
Q What was this first woman's name before you married her?
A Thompson.
Q She was a Cherokee citizen? A Yes sir.
Q You lived with her about a year? A Yes sir.

Q Then you parted from her? A Yes sir.
Q You lived with her then as man and wife? A A while, sir.
Q You never got a divorce? A No sir.
Q You never have gotten one up to this day? A No sir.
Q Why did you not get a divorce from your first wife?
A There was no way to get a divorce then; we were not married then, and we could not get a divorce, because I was not married.
Q You know there were Indian Courts at that time? A Yes sir.
Q They were divorcing people, were they not? A Mhm mhm. They never divorced this kind of people, they never paid any attention to them.
Q You never applied for a divorce, did you? A No sir.
Q The reason you did not apply for a divorce was that you considered that you were not legally married to this woman, and had a right to go and marry whom you pleased? A Yes sir.

The name of John Harmon appears on the authenticated roll of 1880, as well as the census roll of 1896, he being fully identified, and having made proof of his residence, he will be duly listed for enrollment as a Cherokee citizen by blood. He avers that he lived with one Alice Harmon for about a year, as man and wife, in the year 1879, and that afterwards he separated from her and married Margaret Turpin, a non citizen of the Cherokee Nation; and he avers that he married her under Cherokee law, but presents no certificate of marriage; he also avers that as a result of that marriage with his last wife, he has a child named Mary Harmon, sixteen years old, the names of his last wife, and his child, appearing on the census roll of 1896. He makes no proof of having been divorced from his first wife (The statement in regard to that matter will be found in the testimony); Consequently, the said Margaret Harmon, his second wife, whose name also appears on the census roll of 1896, and his child, Mary Harmon, whose name also appears on the census roll of 1896; final judgment will be suspended and their names will be placed on a doubtful card, and he will be permitted to file such evidence in the premises as he may desire; he will also ber permitted to file proof as to the legality of his marriage with his second wife, Margaret Harmon.

R. R. Gravens, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a true, full and correct transcript of his stenographic notes in said case.

(Signed) R. R. GRAVENS.

Sworn to and subscribed before
me this 25th day of August, 1900.

(Signed) C. R. BRECKINRIDGE.

COMMISSIONER.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy, and that the same is a true and correct copy of the original testimony in this case.

Subscribed and sworn to before me this 24 day of August, 1900.

Notary Public.

Cher. Fr. D

Cher. Fr. D

Jackets 1415 Thru 1780 missing

EMPTY

Cher. Fr. D - 1781 - 1879

Cher. Fr. D - 1781 Thru 1879

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COMMISSION OF THE FIVE OWNERS

R
Cher D 1781

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Dicky Vann, page 336, # 1372, Flint District;
Note: "Lives in U. S. Dist".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Inter

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, [illegible]
enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commissio[illegible]
testified as follows:

What is your name ? A Emmet Starr.
What is your age ? A Thirty one years.
What is your post office address ? A Claremore, I. T.
Are you a citizen by blood of the Cherokee Nation ?
Yes sir, I am.
For whom do you desire to make application for enrollment
on the following named persons on the [illegible] Cherokee roll,
their families and descendants:



Are there any other persons for whom you desire to make application for enrollment ?
I desire to apply for the following named persons on the [illegible] Cherokee roll, their families and their descendants.

[illegible]

[illegible] Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 2 day of August, 190[illegible]

R
Cher D 1768

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cenay Vann, page 370, # 1373, Saint District;
Note: "Lives in C. S. Dist".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

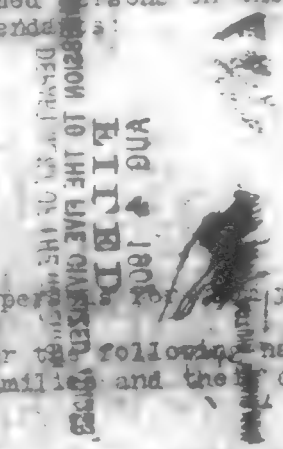
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Wesley Vann, age 39, 1896, Flint District
Milton Vann, age 7, 1896, Flint District

E. A. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. A. Bagwell.

Subscribed and sworn to before me this 2 day of July, 1902.

R
Cher D 1765

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

SUNSET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Sunset Starr.
Q What is your age ? A Twenty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Mamie Vann, page 286, # 1762, Flint District;
Note: "Lives in Canadian Dist"

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation:

ERNEST STAFF, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Ernest Staff.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarenore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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AUG 4 1902
DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Julia Vann, page 398, # 1393, Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

R
Cher D 1784

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Julia Vann, page 398, # 1383, Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

R
Cher D 1785

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Rachel Wayner, page 309, # 1397, Flint District;

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

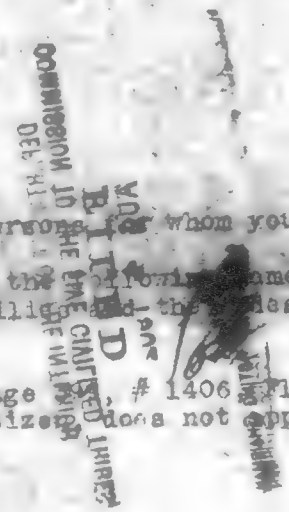
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and the descendants:

E. A. Welch, page [illegible], # 1406, Flint District, Ad. White.
Note: "Non citizen does not apply. P. O. Rose. Married a man named Wright".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

R
Cher B 1786

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. A. Welch, page 392, # 1406, Flint District; Ad. White.
Note: "Non citizen, does not apply. P. O. Rose. Married a man named Wright".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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IN THE CLERK'S OFFICE OF THE COURT

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Lou Welch, page 400, # 1441, Flint District;

E. C. Bardwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bardwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public

R
Cher D 1787

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible]

In the matter of the application of [illegible] ET AL.,
for enrollment as citizens of the Cherokee Nation.

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible] Starr.
Q What is your age ? A [illegible] one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lee Welch, page 406, # 1441, Flint District;

E. C. Bagwell, on oath states that he [illegible] to the Commission to the Five Civilized Tribes, [illegible] the testimony and proceedings had [illegible] the foregoing is an accurate transcript of [illegible] thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Are there any other persons for whom you desire to make application for enrollment ?
I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Aki Walker, page 400, # 1[illegible]2, Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

R
Cher D /1788

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., June [illegible], 1902.

In the matter of the application of JAMES [illegible]LETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
Commission to the Five Civilized Tribes

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Aki Walker, page 400, # 1[illegible], Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir. I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll, their families and descendants.

FILED
AUG 4 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Mary Walker, page 400, # 1443, Flint District;

M. D. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

M. D. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

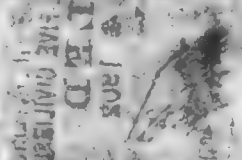
R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
A Yes sir, I am.
Q Are you a citizen by blood of the Cherokee Nation ?
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants.



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES SCARLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty-one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to make application for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Minnie Walker, page 206, # 1444, Flint District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

R
Cher D 1796

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], June 30, 1902.

In the matter of the application of [illegible] for enrollment as citizens of the Cherokee Nation:

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Twenty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Walker, page 404, # 1414, Flint District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he [illegible] the testimony and proceedings had in the above [illegible] and that the foregoing is an accurate transcript of [illegible] taken thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

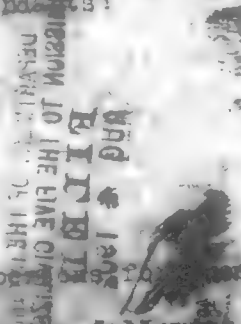
[illegible]
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Nancy Walker, page 409, [illegible], Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMETT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Henry Walker, [illegible], Flint District;

E. C. Bagwell, on oath states that he, as stenographer to the Commission to the Five Civilized Tribes, has correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his shorthand notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], [illegible], [illegible], Flint District;

E. C. Ragwell, on oath states that he, as stenographer to the Commission to the Five Civilized Tribes, has correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Ragwell

Subscribed and sworn to before me this 2 day of August, 1902.

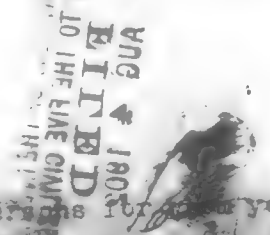
[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Jackson Walker, page 470, # 1446, Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]

R
Cher D 1702

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jackson Walker, page 402, # 1644, Flint District;

E. C. Bagwell, on oath states that he is a stenographer in the Commission to the Five Civilized Tribes, and that he reported the testimony and proceedings had [illegible] and that the foregoing is an accurate transcript of [illegible] thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

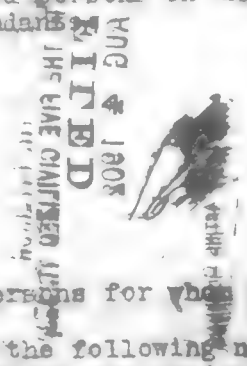
H A Kelly
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

[illegible] sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

R
Cher D 1795

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

T. A. Williams, page 400, # 1452, Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

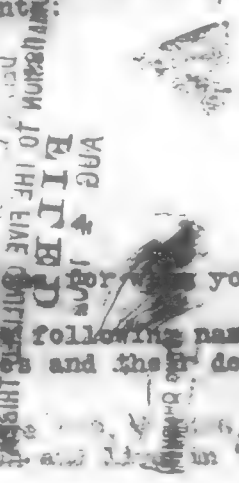
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll and their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]; Note: "Left Muskogee and living in Tennessee".

D. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of July, 1902.

R
Cher D 1794

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

George Ward, page 406, # 3405, Flint District;
Note: "Lost Mother and lives in [illegible]".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2d day of August, 1902.

[illegible]
Notary Public.

R
Cher [illegible] 1706

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Ward, [illegible] 40, [illegible] Head, Illinois District; Note: "Left Nation and live in [illegible]".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

R
Cher D 2796 .

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Ward, [illegible], # 1457, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

R
Cher D 4787

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ?
A Ernest Starr.
Q What is your age ?
A Thirty one years.
Q What is your post office address ?
A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lee Ward, page 400, # 1658, Flint District;
Note: "Left Nation live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

R
Cher D 1798

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Mat S. Ward, [illegible] 400, # 2439, Saint District;
Note: "Left Nation and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

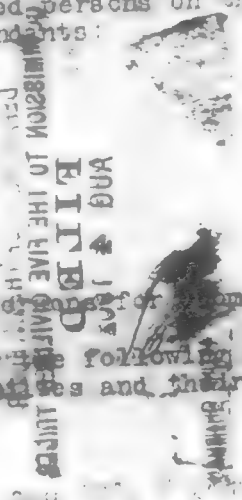
T. T. Martin
Notary Public.

Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of July, 1902.

Notary Public.

R
Cher

D 1799

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cordelia Ward, page 400, # 1480, Flint District;
Note: "Left Nation and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

T G Ritter
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, [illegible] enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined [illegible] certified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarem[illegible].
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment [illegible] for the following named persons of the 1880 Cherokee [illegible] families and descendants:

FILED
AUG 4 1902
IN THE FIVE CIVILIZED TRIBES

Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the [illegible] roll, their families and their descendants:

[illegible]

E. D. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

[illegible]

[illegible] before me this [illegible] day of [illegible], 1902.

[illegible]
Notary Public.

R
Cher D 1800

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

George Ward, Mayes 401, # 1461, Flint District;
Note: "Left Indian and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

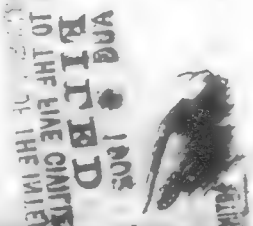
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commissioner testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Matilda Ward, page 471, [illegible] 1462, Flint District, [illegible] Cherokee Nation now living in Tennessee.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

E. B. Kennedy

D 1861

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
A Yes sir, I am.
Q Are you a citizen by blood of the Cherokee Nation ?
A For whom do you desire to make application for enrollment ? For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Matilda Ward, page 461, # 1462, Flint District;
Note: "Left Nation and lives in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore,
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4
DEPARTMENT OF THE INTERIOR
MISSION

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Chas. F. Ward, page 402, # 1412, Saline District;
Rose: Cherokee Nation and live in Tahlequah.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

R
Cher

D 1602

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Chas. R. Ward, page 461, # 1463, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

In the matter of the application of JAMES BULLETT, ET AL , for enrollment as citizens of the Cherokee Nation

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

U. S. Ware, page 401, [illegible], Flint District;
Note: "Left the nation, now live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher D 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation;

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

N. J. West, page 421, # 1464, Saint District;
Note: "left the Nation and live in Tennessee".

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and that he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
IN THE INDIAN TERRITORY

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Mary E. Ward, page 401, # 1466, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher
D 1896

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

[illegible] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible] Starr.
Q What is your age ? A [illegible]ty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Mary E. Ford, page 401, # 1468; Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Department of the Five Civilized Tribes,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to make for the following named persons on the 1896 Cherokee roll, their families and descendants:

Martha E. Ward, page 401, No. 1666, Flint District, Cora. Left husband and live in Tennessee.

B. U. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause; and that the foregoing is an accurate transcript of his stenographic notes thereof.

Examined

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher D 1865

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

[redacted] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [redacted] Starr.
Q What is your age ? A [redacted] one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Martha E. Ward, [redacted] 1446, Flint District;
Note: "Left Malden and live in Tennessee".

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause; and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For what do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Leo A. Ward, page 401, # 1467, Flint District, Cherokee Nation and live in Tennessee.

E. C. Terrell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2d day of August, 1902.

Cher D 1806

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

[illegible] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible] Starr.
Q What is your age ? A [illegible]y one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Lee A. Ward, page 402, # 1467, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

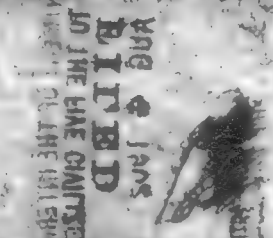
[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation: -

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible] Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to [illegible] for the following named persons on the 1880 Cherokee roll, their families and descendants:

Mat G. Ward, page 472, # 1488, Flint District;
Notes: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Cher D 1007

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 3, 1902.

In the matter of the application of JAMES E. WILLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

ELLEN STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ellen Starr.
Q What is your age ? A Forty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Mat G. Ward, page 478, # 1466, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Commission to the Five Civilized Tribes,

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:-

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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JUN 30 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Miss J. Ward, page 401, # 1460, Flint District.
Note: Flint Nation and live in Tahlequah.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2d day of August, 1902.

Notary Public.

Cher D 1866

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Ellen F. Ward, page 401, # 1469, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

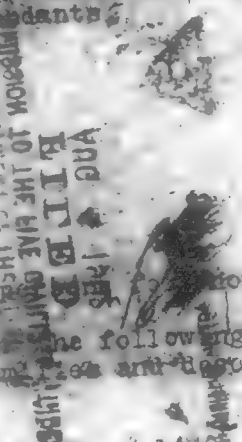
[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES SULLIVAN, ET AL.,
for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Chas. Ward, ga 2 mi, s 14 m, Illinois District;
Note: "Can't - ation and live in Tahlequah".

W. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of December, 1902.

Notary Public.

Cher D 1899

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Chas. Ward, page 401, # 1476, Flint District;
Note: "Left Nation and live in Tennessee".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

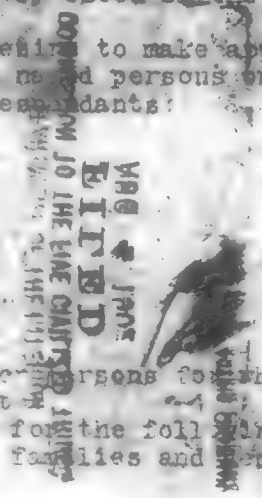
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Ashley Abraham, [illegible], Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4 day of August, 1902.

Cher D 1819

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Arlley Abraham, page 405, # 2, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

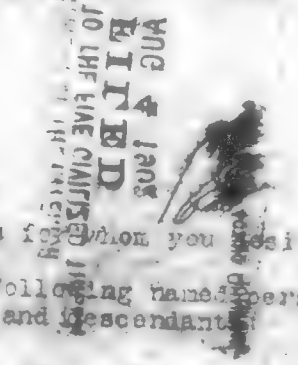
H F Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Charlie Alberson, [illegible], I. T., Delaware district;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 30 day of June, 1902.

K
Cher

D 1611

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation;

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Charlie Abraham, Page 403, # 3, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

H C Reeder
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES ELLIOTT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Widow Ahmih, Flint Dist., # 20, Tahlequahe District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of July, 1902.

Notary Public.

Cher D 1812

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation;

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Widow Smith, page 465, # 30, Saingnuske District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

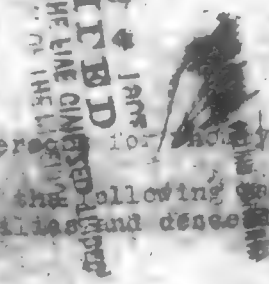
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarenore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Toby Smith, Page 403, " 71, Saline District,

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of December, 1902.

Notary Public

Cher D 1515

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Taky Ahnih, page 408, # 21, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll their families and descendants:

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AUG 4 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Nora Ah-nay, page 407 # 106, Illinois District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher D 1814

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Anna Ah-nay, page 407, # 196, Saline District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

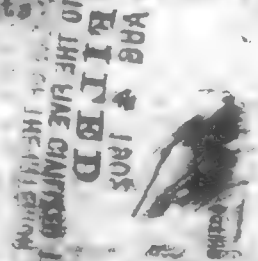
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants;

John Harry Abney, page 107, # 107, Goingsnake District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2d day of December, 1902.

Cher D 1618

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Susan Bird, page 492, # 129, Goingsnake District;

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Cher D 1816

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible]

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation

[illegible] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A [illegible]met Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Annie Kinney, page [illegible], # [illegible], Goingsnake District;
Also on 1880 roll, page 410, # 172, Goingsnake District, as Polly Kinney;
William Chaney, page [illegible], # 496, Goingsnake District; also on 1880 roll, page 417, # [illegible], Goingsnake District, as Da-Chee-Yee;
George Chaney, page [illegible], # 728, # 498, Goingsnake Dist.
Q Are there any other persons not [illegible] you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of [illegible], 1902.

Notary Public.

Cher D 1617

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

[illegible], I. T., June 30, 1902.

In the matter of the application of JAMES BUSHYHEAD, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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AUG 4 1902
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Lee Bell, page 113, [illegible], Tahlequah District,
(See note on roll)

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902

[illegible]
Notary Public.

Cher D 1618

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible] Roll, page 414, # 163, Tahlequah District;
(See Note on roll)

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

E. D. Rutter
Notary Public.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
IN THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Tyner Orphanage, page 417, # 765, Going Snake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher

D 1219

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible], page 417, # 330, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

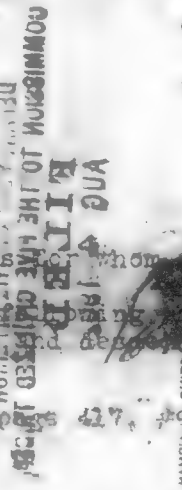
[illegible]
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation:

ELMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Elmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Dick Carselowar, page 417, [illegible], Goingsnake District

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher D 1880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Dick Vanoss[illegible], page 417, # 340, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A. Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Cowah Christie, page 1156, # 604, Tahlequah District; also on 1880 roll, page 210, #[illegible], Delawaretown District, as Returned (Christie);

Susie Christie, 1880 roll, page 1156, # 604, Tahlequah District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

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FILED
JUN 30 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

E. C. Pagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Pagwell

Subscribed and sworn to before me this 2 da. of August, 1902.

Notary Public.

Cher

D 1331

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted] Christie, page 1158, # 992, Tahlequah District; also on 1880 roll, page 414, # 998, Delawarnah District, as Esther Christie;

[redacted] Christie, 1880 roll, page 1158, # 992, Tahlequah District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

H. D. Reville
Notary Public.

In the matter of the application of JAMES BULLET, ET AL., for enrollment as citizens of the Cherokee Nation

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

See the table, page 4[illegible], for [illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher D 1822

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Anna Christie, page 419, # 394, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

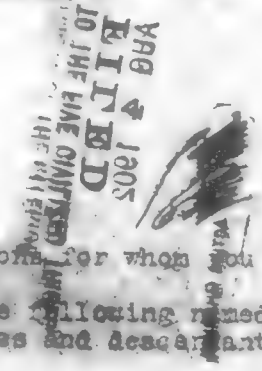
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Nancy Crittenden, page 420, # 432, Goingsnake District,

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Cher D 1823

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Nancy Gritts, page 420, # 418, Saline District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Muskogee, I. T., June 28, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, certified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarenore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

George Christie, page 637, # 522, Flint District; also on the 1880 roll, page 438, # 409, Going Snake District;
Lucy Christie, page 637, # [illegible], Flint District; also on the 1880 roll, page 440, # 1260, Going Snake District as Lucy Pritchett;
Kate Christie, page 637, # 524, Flint District;
Betsy Christie, page 637, # [illegible], Flint District;
Lucy Christie, page 637, # [illegible], Flint District:
(Continued in [illegible] page)

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Ned Christie, 1880 roll, page 437, # 387, Flint District,
Susie Christie, 1880 roll, page 437, # 388, Flint District,
Annie Christie, 1880 roll, page 437, # 389, Flint District,

I, C. Pegweil, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

C. Pegweil

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Cher D 1824

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

George Christie, page 687, # 523, Flint District; also on the 1880 roll, page 460, # 1468, Saline District;
Lucy Christie, page 687, # 525, Flint District; also on the 1880 roll, page 460, # 1468, Saline District as Lucy Pritchett;
Kate Christie, page 687, # 524, Flint District;
Betsy Christie, page 687, # 526, Flint District;
Lucy Christie, page 687, # 526, Flint District;
(Continued in names below)

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Ned Christie, 1896 roll, page 687, # 527, Flint District;
Susie Christie, 1896 roll, page 687, # 528, Flint District;
Annie Christie, 1896 roll, page 687, # 529, Flint District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

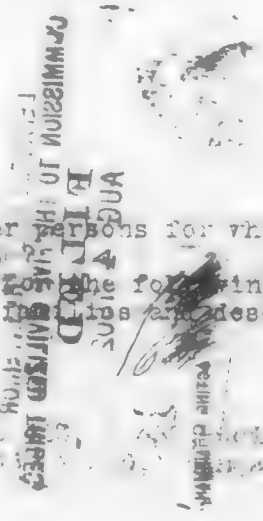
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLET [illegible], for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the [illegible] testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? [illegible] Claremore, [illegible]
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll and their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

F. J. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible] day [illegible]

Notary Public.

Cher

[redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Jane Charles, page [redacted], # 437, Goingsnake District; also on [redacted] 1894 roll, page 114, # 878, Goingsnake District, as Jennie Charles;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

[redacted]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll. their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible] Bay, Intr. Ter., [illegible] Sequoyah District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 30 day of June, 1902.

[illegible]
Notary Public.

Cher D 1826

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Lewis Gray, page 434, # 508, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

In the matter of the application of JAMES BUTLER, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible] Book, page 42, # 828, [illegible] District

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2d day of August, 1902.

[illegible]
Notary Public.

Cher D 1827

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Albert Disk, page 435, # 436, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BOLLETT, ET AL, for enrollment as citizens of the Cherokee Nation.

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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DEPUTY COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Alice Dick, page 485, # 651, Delawarean District,

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he as stenographer to the Commission to the Five Civilized Tribes, did correctly record the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of July, 1902.

Notary Public.

Chas. D Lane

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Allen Mack, page 288, # 231, Saline District;

E. C. Bagwell, on oath states that he as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1903.

In the matter of the application of [redacted] for enrollment as citizens of the Cherokee Nation.

[redacted], being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A [redacted].
Q What is your age? A Thirty one years.
Q What is your post office address? A Clarmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir; I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[redacted] Dowling, page 225, # 455, Goingsnake District; also on 1896 roll, page 748, # 691, as Jennie Dowling, Goingsnake District.

B. C. Barwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

[redacted]

Subscribed and sworn to before me this [redacted] day of [redacted], 1903.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Charmore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] on 1896 roll, [illegible]; [illegible] District; also [illegible]

B. C. Bagwell, on oath states that, as stenographer of the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled matter on the [illegible] that the foregoing is an accurate transcript of his stenographic notes thereof.

B. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

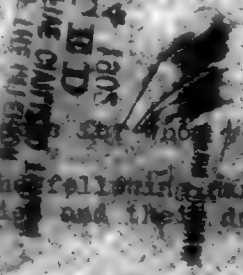
[signature]

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, JR. M. for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Charles Bunch, Dock 128, # 371, Cherokee Nation

I, C. Bagwell, on oath states that I am stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ___ day of _____, 1902.

Notary Public.

Case No 1220

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Charles Bull, roll 187, # 571, Delaware District;

I, E. C. Bagwell, on oath state that I am stenographer to the Commission to the Five Civilized Tribes, and that I correctly reported the foregoing testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of my shorthand notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

In the matter of the application of JAMES SUMMEY, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Clarenore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Susan Duck, page 407, # 978, Tahlequah District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Case D 1631

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Starr, age 32, [illegible] District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Muskogee, [illegible]

In the matter of the application of JAMES BULLETT, ET AL, for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore,
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons or the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and descendants:

Joseph Bull, [illegible] Tahlequah District;
[illegible] Tahlequah District;
Also on 1896 [illegible] Tahlequah District;

E. C. Dugwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of [illegible], 1907.

Notary Public.

Case 1454

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants: --

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Joseph Neal, [illegible], # 378, Tahlequah District;
Under: "In Oklahoma".
Also on 1896 roll, page 142, # 611, Tahlequah District;

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcription of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BUCKLEY, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Gigvemore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll, their families and descendants.

FILED
AUG 4 1902
IN THE OFFICE OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

(Here Foreman, page 450, # 652, Joinder Districts)

E. B. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Chey D 1833

Dec.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BUMLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their deacendants:

Nevia Perryman, page 435, # 882, Delaware District;

E. E. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E E Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

H B Rutlw
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, et al, for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

John Fairfilber, page 63, # 424, Tahlequah District;

I, C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of July, 1902.

Notary Public.

D 1234

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

John Fourkiller, [illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1905
IN THE UNITED STATES COURT IN THE INDIAN TERRITORY

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Rose Barrait, or Ward, page 400, # 228, Delaware District, Natural Born Citizen.

Child Barrait, or Ward, page 400, # 228, a, Delaware District, Natural Born Citizen.

W. C. Bunnell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me, this 2 day of August, 1905.

Notary Public.

Muse D 1854

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible]ee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nancy Garrett, or Ward, page 438, # 828, Tahlequah District;
Child Garrett, or Ward, page 438, # 828, A, Tahlequah District; Note: "Live in Mo. Miss."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

F D Austin
Notary Public.

In the matter of the application of [redacted] et al
for enrollment as citizens of the Cherokee Nation

[redacted] being duly sworn and examined by the Commission
testified as follows:

Q What is your name ? A [redacted]
Q What is your age ? A [redacted] one years.
Q What is your post office address ? A Clarendon, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q By whom do you desire to make application for enrollment
A I desire to make application for the following named persons on the 1896 Cherokee roll, their families and descendants.

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to make application for the following named persons on the 1896 Cherokee roll, their families and their descendants.

[redacted]

Jane Hatcher, page 143, [redacted] Cain, male, Chatlah

[redacted] on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of [redacted] 1902.

Notary Public.

Chero D 1236

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

KENNET STARR, being duly sworn and examined by the Commission, testifies as follows:

Q What is your name ? A Kennet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted], page 46, # 850, Tahlequah District,

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
IN THE UNITED STATES COURT

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants.

Dick Jonson, page 44b, 4-year, Goingsnake District;

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4th day of August, 1902.

Dept. 2 June

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted], page 418, # 848, Tahlequah District;

R. C. Bagwell, on oath states that he is a stenographer to the Commission to the Five Civilized Tribes, that he correctly recorded the testimony and proceedings had [redacted] entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BRYANT, ET AL, for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Chelsea, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
IN THE DEPARTMENT OF THE INTERIOR

Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Nancy Jackson, page 418, # 340, Chimneco District.

E. C. Boswell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of July, 1902.

Case. [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

BENNET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Bennet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q Where is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Dismas Foster, page 496, # 949, Goingsnake District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of Aug, 1902.

Notary Public.

Chen. B 1040

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted], page 402, # 840, [redacted] District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Charlotte Jones, page 435, P 970, Tahlequah District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

[illegible]

Case.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty-one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August 1902.

[illegible]

Notary Public.

In the matter of the application of JAMES BULLETT, ET AL, for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty-one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

George Deep, [illegible] #1161, Saingmaka District, also on 1880 roll, page [illegible], Saingmaka District;
Mollie Deep, [illegible] #1162, Saingmaka District; also on 1880 roll, page [illegible], as Polly Ketcher, Saingmaka District;
James Deep, [illegible] #1163, Saingmaka District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

B. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 9 day of [illegible], 1902.

Notary Public.

Enr. D. 1068

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty-one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Case D 2911

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
IN THE DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Nancy Knight, page 437, # 995, Delawarrha District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of July, 1902.

Case D 1843

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], page 457, # 996, Saline District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible] FILED [illegible]

Q Are there any other persons [illegible] whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible], page 449, # 1648, Delawarake by Starr;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1 day of August, 1902.

Chec D 1544

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons, for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

D 1845

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL, for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Mary Bullet, page 439, # 487, Goingsnake District;

RECEIVED
JUL 4 1902
DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of July, 1902.

Case D 1845

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
DEPARTMENT OF THE INTERIOR
MUSKOGEE, I. T.

Q Are there other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants.

Sarah Morton, page 408, # 1199, Tahlequah District;
Note: Lives with Lucinda Morton 12 miles east of Ramona, I. T.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2d day of August, 1902.

[illegible] 1246

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Starr, [illegible] 356, f 1178, Delaware District;
Note: Lives with Lucinda Martin 12 miles east of Kansas, I. T.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commissioner testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
CLERK U.S. COURT TO TRIBES
EASTERN DISTRICT OF MUSKOGEE

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Book S, Page 439, 4 1902, Dolingan District

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2d day of August, 1902.

Notary Public.

Chet B 1847

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendahts:

[redacted] S. Parris, page 439, # 1211, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons or the 1896 Cherokee roll, their families and descendants

FILED
AUG 4 1902
IN THE CHANCERY

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Jane Parris, Page 457, # 10852, Tahlequah District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ___ day of _____, 1902.

Cher D 1348

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
JUN 4 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Emmet Pritchett, Male, 1/8, Coloma Dist.
Susan Pritchett, Male, 1/8, Coloma Dist.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this ___ day of _____, 1902.

Cher D 1849

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted] Pritchett, page 466, # 1278, Swimming District;
[redacted] Pritchett, page 460, # 1274, Swimming District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BILLETT, et al., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
DEPARTMENT OF THE INTERIOR

Q Are there other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Franklin Starr, 6 [illegible] Quatie Starr;
Adopted Cutler;
Note: Unidentified, Art. 8

E. C. Bagwell, on both states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

Choc. D 1880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[redacted]
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

William Pritchett, [illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2 day of July, 1902.

D 1883

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

William Pritchett, page 402, # 1842, Delaware District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible] 4

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible] Dawes Com., Page 404, # 1846, Goingsnake District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

[redacted]
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
JUL 4 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are these all other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Mary Bolding, page 400, [illegible] District;
Note: Claremore, I. T.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 4 day of July, 1902.

[illegible]
Notary Public.

Docket D 1883

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], page 465, # 1282, Goingsnake District;
[illegible], I. T."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

HENRI STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Henri Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

RECEIVED
JUL 14 1902
DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Randolph, page 606, # 1377, Tahlequah District, Al. Bullet
Note: "Married out, P. O. Boyll".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of July, 1902.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

[redacted]

[redacted]

Subscribed and sworn to before me this [redacted] day of [redacted], 1902.

[redacted]
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
JUN 24 1902
Commission to the Five Civilized Tribes

W. G. Hobbs, page 88, # 1442, Tahlequah District.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

2
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

M. C. [redacted], page 180, # 1454, [redacted] District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[redacted]
Notary Public.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
OCT 4 1902
IN THE CLERK'S OFFICE OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of October, 1902.

Notary Public.

E
Chee# 1884

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lucky Rabbit, page 468, # 1444, Goingsnake District;

E. C. Boudinot, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and that he reported the foregoing testimony and proceedings in the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. C. Boudinot

Subscribed and sworn to before me this 2 day of August, 1902.

H. F. Rutter
Notary Public.

R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], year age, # 1410, Delaware District;

[illegible] to the Commission in the [illegible] matter, [illegible] the testimony and [illegible] that the foregoing is [illegible] thereof.

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]

Cher 3 10 6

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

DENIED
Sec. 4 - 305

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Susan Fobine, page 460, # 1447, Saingnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], page 462, # 1447, Saline District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

H G Hunter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES DOHERTY, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Emma Smith, page 462, # 1456, Goingsnake District,

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August 1902.

R
Cher 9 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted], page 429, # 1484, Delaware District;

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes; he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[signature]

Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET Al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q What is your post office address ?
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Bluford Starr, page 748, # 2048, Goingsnake District; also on on 1880 roll, page 472, #1846, Goingsnake District, as Blue Starr;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee Roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

R
Cher D 1888

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes Sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[illegible]
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
IN THE CHEROKEE COMMISSION

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Dallie Bumaar, page 472, # 1551, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had, in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

R
Cher B 1661

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Bettie Bulmer, page 472, # 1851, Tahlequah District;

E. C. Bagwell, on oath stated that he is stenographer to the Commission to the Five Civilized Tribes, and that he reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes Sir: I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Thomas Swimmer, [illegible] roll, [illegible] District; also on 1880 roll, page [illegible], Goingsnake District, as Thomas Swimmer;
Eve Swimmer, 1896 roll, [illegible], # 1904, Goingsnake District;
Nancy Swimmer, 1896 roll, page [illegible], # 1905, Goingsnake District;
Lewis Swimmer, 1896 roll, page [illegible], # 1906, Goingsnake District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

I, C. Bagwell, on oath states that I as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BOLLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir; I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

[redacted]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
WITNESS MY OFFICIAL SIGNATURE AND SEAL OF THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cabbaney-Ard Saltwater, page 475, # 1402, Goingsnake District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

R
Cher D 1668

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir; I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Delaware, page 475, # 1855, Tahlequah District.

A. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

A C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

E T Boutte
Notary Public.

Cher p 1564

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir; I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
IN THE DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Darkey Stay-at-home, page 496, # 1655, Delaware District;
Hetsi Ki Flint. Now married.

I, C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1 day of August, 1902.

R
Cher N 1824

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES MULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted] page 476, # 1851, Goingsnake District; Hotel [redacted] Flint. Now married.

I, C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

C. C. Bagwell

Subscribed and sworn to before me this 1 day of August, 1902.

[redacted]
Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULBETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible] page 4Vc, # 1856, Goingsnake District;
Note: [illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Susan [illegible] page 4Vc, # 1856, Goingsnake District;
Note: [illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1 day of August, 1902.

Notary Public.

Cher 1668

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted] page 474, # 1854, [redacted] District;
Note: [redacted]

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, that he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1 day of August, 1902.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, Mam.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

James Stilley, page 196, # 1341, Goingsnake District; also on 1880 roll, page 176, # 1756, Goingsnake District;
Peter [illegible],
Martin Stilley, 1880 roll, page 52a, # 173, Goingsnake District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

F. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

R
Cher R 1866

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

James Bullett, [illegible] yes, [illegible], Saline District; also on 1880 roll, page [illegible], [illegible], Saline District;
Note: Dept of Interior.
Mattie Bullett, 1896 roll, page 128, [illegible], Saline District;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

Notary Public.

Department of the Five Civilized Tribes.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Moses Proctor, page 177, # 1865, Delaware District.
Note: "Delaware Dick".

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants.

I, W. T. Bagwell, on oath state that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

K
Cher ☆ Law

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Three Towns, page 47, # 1445, Saline District;
Note; [illegible].

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation;

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes Sir, I am.
Q For what do you desire to make application for enrollment ?
A For the following named persons on the 1895 Cherokee roll, their families and descendants:

RECEIVED
JUL 4 1902
Commissioner to the Five Civilized Tribes

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to appir for the following named persons on the 1880 Cherokee roll, their families and their descendants:

George Vancouver, page 178, # 1674, Delaware District;
Note: Canadian Rec.".

E. C. Magneld, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 4 day of July, 1902.

Notary Public.

R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation;

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants;

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL. for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post-office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Charley Thompson, full blood, Delaware District, Cherokee roll, page 479, [illegible] Delaware District as Delaware Intermarried [illegible]

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Cowell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1 day of August, 1902.

R
Chan. P 1869

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible] on 1896 roll, page 479, P 1716, Saline District as [illegible]
Note: [illegible].

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1st day of August, 1902.

[illegible]
Notary Public.

Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For what do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 4 1902
Commissioner to the Five Civilized Tribes

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

James Bullett, aged 40, P 1747, Delaware District.
Note: Enrolled by form of Stilwell in 1896".

I, C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

C. Bagwell

Subscribed and sworn to before me this 1 day of August, 1902.

Notary Public.

R
Cher D 1670

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

James Tah-[illegible], page 420, # 1747, Goingsnake District;
Note: "Enrolled by Com. at Stilwell in 1896".

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1 day of August, 1902.

[illegible]
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL, for enrollment as citizens of the Cherokee Nation;

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

DENIED
208 Jan 4 1903

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Wm Bowman, page 484, # 1990, Tahlequah District; Adopted White;
Katherine Bowman, page 488, # 1986, Tahlequah District;

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R. C. Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

Notary Public.

R
Cher [illegible]

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], year [illegible], # [illegible], [illegible] District; Adopted [illegible]
[illegible], year [illegible], # [illegible], [illegible] District;

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled [illegible] and that the foregoing is an accurate transcript of his stenographic notes thereof.

R. C. Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

Notary Public.

FILED
AUG 4 1902

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation;

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1st day of August, 1902.

[redacted]
Notary Public.

Dawes D 1677

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Isaac Vann, page 301, # 1[illegible], Goingsnake District; also on 1880 roll, page 254, # 1234, Goingsnake District;
Sallie Vann, page 301, # 1[illegible], Goingsnake District; also on 1880 roll, page 254, # 1235, Sallie R Vann, Goingsnake District;
Augustus Vann, page 301, # 1[illegible], Goingsnake District;

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Boudinot, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Boudinot.

Subscribed and sworn to before me this 11 day of December, 1902.

R
Cher 3 1678

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell.

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, Jr. et al., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible] Watt, page 615, [illegible] District, also on 1880 roll, page 498, [illegible] Tahlequah District;
[illegible] Watt, page 615, [illegible] District, also on 1880 roll, page [illegible], Tahlequah District as A [illegible]-tah-[illegible] Watt;
Elizabeth Watt, page [illegible], [illegible] District;
Jemima Watt, page 615, [illegible] District;
[illegible]

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

William Watt, 1880 roll, page 615, # 4002, Goingsnake District;
Henry Watt, 1880 roll, page 615, # 4003, Goingsnake District;
Cheney Watt, page 615, # 4004, Goingsnake District;

E. C. Caldwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Caldwell

Subscribed and sworn to before me this 1 day of August 1902.

Notary Public.

R
Cher [illegible] 1678

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes, sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[redacted]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commiasion to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1 day of August, 1902.

[illegible]
Notary Public.

Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES DUNLAP, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

Sarah Walker, born 1880, [illegible] District; Ad. White; Note: married out.

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R. C. Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

[illegible]
Notary Public.

R
Cher D 1878

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Baker, page 48; # 1274, Cooweescoowee District; Ad. White; Note: "Married out".

R. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R C Bagwell

Subscribed and sworn to before me this 1st day of August, 1902.

[illegible]
Notary Public.

In the matter of the application of JAMES BRYANT, et al for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

June Wright, page 490, # 1655, Goingsnake District;
Mabel Wilson nism 1879, Goingsnake District, Mary Wilson.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 4 day of March, 1907.

Notary Public.

R
Cher

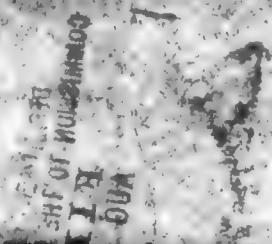
D 1676

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible] Wright, page 496, # 1966, Goingsnake District;
[illegible] Wilson with 1/8, Delawarr District, Lame White.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings [illegible] cause entitled matter, and that the foregoing is an [illegible] of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1st day of July, 1902.

[illegible]
Notary Public.

Dist. D 1677

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testifies as follows:

Q. What is your name? A. Emmet Starr.
Q. What is your age? A. Thirty one years.
Q. What is your post office address? A. Claremore, I. T.
Q. Are you a citizen by blood of the Cherokee Nation?
A. Yes sir, I am.
Q. For whom do you desire to make application for enrollment?
A. For the following named persons on the 1880 Cherokee roll, their families and descendants:

Lincoln Dreager, page 74[illegible], Delawaneka District, also on 1896 roll, page 8[illegible], # 1192, Lincoln [illegible], Saline Dist; Note: [illegible]

Martha Dreager, page 74[illegible], Delawaneka District, also on 1896 roll, page 8[illegible], # 2926, [illegible] Nation, Delawaneka District;

Mary Dreager, page 74[illegible], Delawaneka District;

[illegible]

Q. Are there any other persons for whom you desire to make application for enrollment?
A. I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Annie Dreager, 1896 roll, page 74[illegible], # 885, Delawaneka District;
Jesse Dreager, page 74[illegible], # 886, Delawaneka District;
David Ward, page 318, # 8[illegible], Goingsnake District; Enter Wm. Ward with family as Lincoln Dreager. Also on 1896 roll, page 8[illegible], # 713, as Uncle Ward.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 1 day of July, 1902.

D 1677

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lincoln Dragger, page 742, # 682, Goingsnake District; also on 1880 roll, page 670, # 1170, as Lincoln Tah-wee-can-ocon, Saline Dist; Note: "P. O. Tahlequah";
Martha Dragger, page 742, # 683, Goingsnake District; also on 1880 roll, page 492, # 2020, as Matsey Watt, Goingsnake District;
Mary Dragger, page 742, # 684, Goingsnake District;
(illegible)

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Annie Dragger, 1896 roll, page 742, # 685, Goingsnake District;
Jesse Dragger, page 742, # 686, Goingsnake District;
Susan Watt, page 815, # 2861, Goingsnake District; Note: "Registered with family of Lincoln Dragger"; Also on 1894 roll, page 612, # 713, as Susie Watt;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER FOR THE FIVE CIVILIZED TRIBES

FILED

AUG 4 1902

R
Cher D 1878

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Anna Wilson, page 497, # 2150, Goingsnake District;

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 4 day of August, 1902.

Notary Public.

FILED
AUG 4 1902

R
Cher D 1878

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Chee-killi Wilson, page 487, # 2151, Goingsnake District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is a true transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 1st day of August, 1902.

Notary Public.

Cher. Fr. D

Cher. Fr. D

Jackets 1880 Thru 2180 missing

EMPTY

Cher. Fr. D-2181 Thru 2239

Cher. Fr. D-2181 Thru 2239

R
Cher D-2134

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1830 Cherokee roll, their families and their descendants:

Cornelius Johnson, page 735, #724, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary

FOR ORIGINAL
BEST AVAILABLE COPY

R
Cher D-2182

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jack Jumper, page 708, #7[illegible], Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

F O Rutter
Notary Public.

R
Cher D-2135

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1826 Cherokee roll, their families and descendants:

Thane A. Jacobs, page 1120, #3, Sequoyah district, adopted Cheotaw; also on 1880 Roll, page 705, #727, Sequoyah district as Isaac Jacobs, adopted Cheotaw.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Chat L-224

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
JUL 9 1902
COMMISSION TO FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

W. H. Lee, [illegible] District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the [illegible] entitled cause, and that

R
Cher D-1184

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:-

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Wm. H. Lee, age 40, #739, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cher

D-2185

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Tom Lee, page 707, #741, Saguoyah district.
Note: On Chactaw card D-396. See testimony in Chactaw-
Chickasaw files. Also relinquishment February 25, 1901.*
Also on 1894 roll, page 378, #2888, Saguoyah district as
Thomas E. Lee, age[illegible] See relinquishment filed February 25,
1901, [illegible].*

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]
Notary Public.

R
Cher 2035

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Rachel Moore, [illegible] 1880, Sayuka district.
Note: Moved in Illinois dist. ?

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher D-2187

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Willis Mitchell page 781, farm, Saquoyah district, Novel the citizen, suspended for examination; Willis Mitchell's percentage is unknown. Was left by parents at [illegible] Mitchell's and has been raised by him from infancy.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher D-2186

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

( )

Thomas Bailey, page 700, #621, Saquoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

F B Severs
Notary Public.

R
Chief D-Ed.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Baker, [illegible] Tiller, [illegible] Bagwell, dist. Atty.

B. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes

R
Cher D-2139

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Sintee Miller, page 710, #630, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

T B Reuter
Notary Public.

F
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



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DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes

R
Cher D-2190

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Pollie Murphy, page 710, #893, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

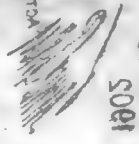
R
Cher D-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

[illegible] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:



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JUN 20 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]-ta-tark Roll, page VII, No. 13, [illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

R
Cher D-2191

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants;

Tah-la-tark Male, page VII, #913, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cherokee.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher 2192.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Charlie Male, page 711, #915, Sequoyah District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902,

Notary Public.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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JUN 30 1902
DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes

R
Cher D-2193

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jinnie Nelson, page 711, #924, Sequoyah district.
Note: Going Snake Dist.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

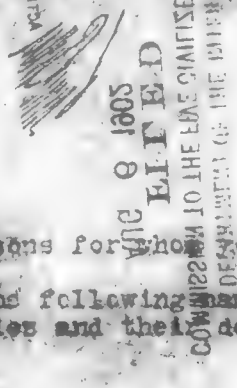
R
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]
Note: "Freedmen."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes

R
Cher D-2194

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Rhoda Ose, page 712, #923, Sequoyah district.
Note: "Dreaks."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Ker

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

1902.

R
Cher

D-2195

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Taylor Ose, Page 112, #989, Sequoyah district,
Note [illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]
Notary Public.

R

Chen D-2956

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, [illegible], for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll their families and descendants.

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Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Chk D-2196

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jennie Proctor, page 713, #970, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R D-2197
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Neki Proctor, page 725, #981, Sequoyah district.
Note: "Goowoosoowee Dist."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher D-2198

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jim Perdue, page 71A, #1012, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher

D-2199

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Tom Russell, page # 715, #1029, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Chf
D-C[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES SUMNEY, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
AUG 6 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire be apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], page [illegible], adopted [illegible].

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Chef

D-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment-?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Margrat Russell, page 715, #4036, Sequoyah district, adopted white.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes

R
Cher D-2201

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lou E. Roberts, page 716, #1050, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

H
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Robert Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1895 Cherokee roll, their families and descendants:

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DEC 31 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

To Rogers, page 718, [illegible], Saquoyah District.

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that [illegible] of his stenographic notes

R
Cher D-2202

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Tom Rogers, page 716, #1054, Sequoyah district.

H. C. Bagwell, on path states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1826 Cherokee roll, their families and descendants:



FILED
JUN 30 1902
COMMISSION TO FIVE CIV. TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1826 Cherokee roll, their families and their descendants:

E. O. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes

R D-2203
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Susie Rogers, page 715, #10855, Sequoyah district.

E. C. Bagwell, on oath states that he, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible] Foster
Notary Public.

P
Char [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by Blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment.
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible] 2 1902 RECEIVED [illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible] Rogers, page 236, [illegible] Saguoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher D-2304

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Sookie Rogers, page 718, #1036, Sequoyah district.

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher

D-2205

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Joe Rogers, page 71[illegible], #2057, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

O R Kelly
Notary Public.

Enter

D-1903

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

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COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Ilona Running-bear, page 716, #6470, Delaware District.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes.

R
Cher
[redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted], page 716, #1078, Saquoyah district.

E. C. Bagwell, on oath states that he, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

B R Rutle
Notary Public.

R D-2207
Cher

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Isaac Rogers, page 710, #4274, Saccoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

E A Rennie
Notary Public.

E.
Cher D-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

James Bittingtom, page [illegible], Flint, Saquoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[signature]
Notary Public.

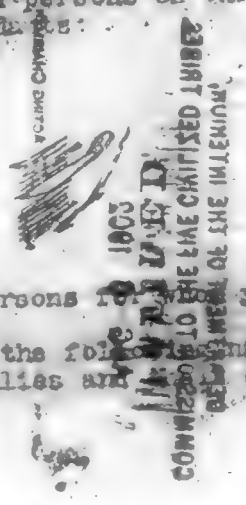
R
Case No. 8700

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1904.

In the matter of the application of JAMES BURNETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and [illegible] descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

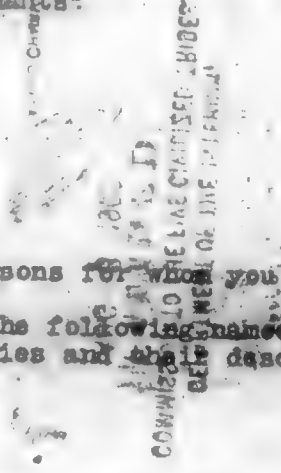
R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BURLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make appliqation for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]
Notary Public.

R
Cmar

D-2[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll and their families and descendants:

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SEP 8 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cataloguing Serb, page 715, #1151, Stenograph dictation.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

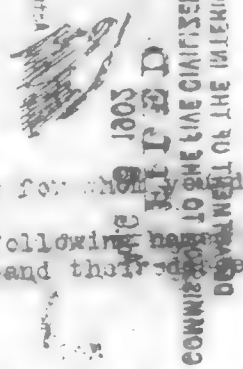
[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

I, [illegible] Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

D

D-2211

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their desegendants:

Jinnie Hunter, page 718, #2134, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

RECEIVED
JUL 9 1902
DEPARTMENT OF INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible] Chumley, page 710 [illegible] Bullett,

[illegible] Hegwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes [illegible].

R
Cher D-2218

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Miles Shadow, page 719, #1182, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

P
Cher [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes Sir, I am.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1896 Cherokee roll
their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make appl
ication for enrollment ?
A I desire to apply for the following named persons on the 189
Cherokee roll, their families and their descendants:

Johnson St[illegible], [illegible], [illegible], [illegible]

[illegible]. C. Dagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher D-2215

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Johnson Shadow, page 719, #1154, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al.,
for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

...well, on oath states that, as stenographer to the ...sion to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes

R
Cher D-2214

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

John Bunch, page 219, #151, Sequoyah district,

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Cher. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Dutch Shade, page 713, #1168, Sequoyah district,
Note, "Illinois district."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation;

ERNET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lee Sanders, page 6[illegible], [illegible], intermarried [illegible] Nation, adopted white.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

[illegible]

W. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof,

R
Cher D-2216

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Lee Sanders, page 325, #899, Chewoweescowe district, adopted white.

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

John Sanders, page 719, #1166, Sequoyah district; also on 1896 roll, page 256, #1424, Goo. Dist.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher D-2217

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Susie Silk, page #720, #1189, Sequoyah district.
Note: "Lives in Ill. Dist."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment
? For the following named persons on the 1896 Cherokee roll,
their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher 0-3218

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

729
Mariah Silk, [illegible], Sequoyah district,
Note: Lives in Ill. Dist.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

E. B. Trowbridge
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants.

I, [illegible], on oath states that, as [illegible] to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the foregoing is a true and accurate transcript of his stenographic notes

R
Cher D-8219

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nancy Sparks, page 721, #1218, Saquoyah district.
Note, "In Illinois Dist."

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

#
Cher 2-1720

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, [illegible].

In the matter of the application of James [illegible], et al., for enrollment as citizens of the Cherokee Nation:

[illegible] STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes, sir, I am.
Q For what do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Virgil Kinney, [illegible], Sequoyah [illegible]
Rate [illegible] for examination. Filed, [illegible]
Dr. Hyatt, Atoka.

I, C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher D-8248

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., [illegible], 1902.

In the matter of the application of James Bullett, et al., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Virgil Vinca, page 721, #1232, Saugeyah district,
Note: *Suspended for examination. Illegitimate child of Dr. Wyatt, white.

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cause, and that the the foregoing is an [illegible] transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

T B Needles
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES GILLETT, ET AL., for enrollment as citizens of the Cherokee nation.

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir; I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible] one Killy Chuwee

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Chuwee Killy, [illegible]
[illegible] near Vinita.

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Charles Bluford, page 723, #1247, Tahlequah district,
Note: 'Lives near Vian, I.T.'

E. C. Bagwell, on oath states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this August 5, 1902.

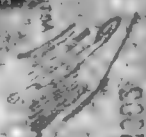
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1900.

In the matter of the Application of JAMES BOURNET, ET AL., for enrollment as citizens of the Cherokee Nation.

[illegible] being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Burnet Starr.
Q What is your age? A Fifty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by Blood of the Cherokee Nation?
A [illegible]
Q [illegible] recognized? A Yes Sir.
Q For what do you desire to make application for a [illegible]?
A For the following named persons on the 1896 Cherokee [illegible] their families and descendants:



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COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee Roll, their families and their descendants:

Peggy Sumner, page 725, 1880, Saunook district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., [illegible], 1902.

In the matter of the application of [illegible] for enrollment as citizens of the Cherokee Nation:

[illegible], being duly sworn and examined by the Commission, testifies as follows:

Q What is your name ? A Ernest Starr.
Q What is your [illegible] ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are already enrolled ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted], [redacted], [redacted], Illinois district.

E. C. Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, and that he reported the testimony and proceedings had in the above and foregoing matter, and that the foregoing is an accurate transcript of his notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of [illegible], 1902.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1896.

In the matter of the application of JAMES STARR, ET AL.,
for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission testifies as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized. A Yes sir.
Q For whom do you desire to make application for enrollment
A For the following named persons, members of
their families and dependents:

Q Are there any other persons for whom you desire to make application for enrollment
A I desire to make application for the following named persons as members of the Cherokee [illegible]

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there

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Katie Faulkner, page 724, #1294, Sequoyah district.
Note: "In Illinois Dist."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]
Notary Public.

Cher D-2824

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES PULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

LIZZIE STARR, being duly sworn and examined by the Commission, testified as follows:

Q. What is your name? A. Lizzie Starr.
Q. What is your age? A. Thirty one years.
Q. What is your post office address? A. Claremore, I. T.
Q. Are you a citizen by blood of the Cherokee Nation?
A. I am.
Q. Are you married? A. I am.
Q. Do you desire to make application for enrollment?
A. I do. Do you desire to make application for enrollment?
A. I desire to apply for the following named persons on the 1880 Cherokee roll, their families and descendants:



Martha Vreory, post ...

E. C. Bagwell, on oath states that, as stenographer to the ... Civilized Tribes, he correctly recorded the ... in the above entitled cause, and that ...

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Martha Urwary, page [redacted], #127, Nequayaka district.

E. C. Bagwell, on oath states that he transcribed in the Commission to the Five Civilized Tribes the testimony and proceedings had in the above entitled cause; that the foregoing is an accurate transcript of [redacted] thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August 1902.

Notary Public.

R
Enr D-2440

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES BULLET, ET AL., for enrollment as citizens of the Cherokee Nation:

BENNET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Bennet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A I am.
Q Are you recognized? A Yes sir.
Q What do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

FILED
JUL 9 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Dead-log-ees-ky Walker, page 796, Flint, Saquoyah district.

I, [illegible], do hereby certify that, as stenographer to the [illegible] recorded the

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted] Talley, page 124, #1121, Saquoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[illegible]
Notary Public.

Test Case

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES [illegible], ET AL., for enrollment as citizens of the Cherokee Nation.

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q Are you recognized A Yes sir.
Q For what do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

Lydia Wilkingstick, page 327, #1364, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lydia Walkingstick, page 787, [redacted], Sayuyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
T. B. No. 1-2227

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1902.

In the matter of the application of JAMES EMMETT, ET AL.
For enrollment as citizens of the Cherokee Nation.

EMMET STURR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A Emmet Sturr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their relation and description:

[illegible] Are there any other persons for whom you desire to make application for enrollment
A I desire to apply for the enrollment of [illegible] persons on the 1896 Cherokee roll, their relationship to me is described as follows:

[illegible] same, page [illegible], Testimony of Emmet Sturr.

F. C. Campbell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the [illegible] proceedings had in the above entitled cause, and that

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Ther D-2227

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ROBERT STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nancy Watts, page 727, #1372, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Dec. D-1288

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir,
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

FILED
JUL 9 1902
Commission to the Five Civilized Tribes

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

John Watts, page 127, #1385, Sequoyah District.
Lucy Brooks, Record of [illegible] Cherokee 5464."

E. C. Caywell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof:

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Ernest Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 2 day of August, 1902.

Notary Public.

Department o the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of [illegible] for enrollment as citizens of the Cherokee Nation:

[illegible] being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q You are so recognized? A Yes sir.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lucinda Watts, [illegible], widow, [illegible] husband.
[illegible] "Crazy."

E. C. Farrell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

Per D-2299

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Lee-lixa Watts, page 727, #1586, Sequoyah district.
Note: "Greek."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

n-2835

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES STARR, ET AL. for enrollment as citizens of the Cherokee Nation:

JAMES STARR, being duly sworn and examined by the Commission testified as follows:

Q What is your name ? A James Starr.
Q What is your age ? A Twenty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir.
Q Are you recognized ? A Yes sir.
Q And do you desire to make application for enrollment ?
A Yes sir, I am.
Q Are there any other persons not now on the 1896 Cherokee roll, whom you desire to make application for enrollment ?
A I desire to apply for enrollment of my brother James Starr, Jr., who was born on the 23rd day of December, 1900, and is now living with his parents in the Cherokee Nation.

[illegible] Starr, age 20, [illegible] Claremore, I. T.

[illegible] Starr, age 18, [illegible] Claremore, I. T.

[illegible] Starr, age 16, [illegible] Claremore, I. T.

[illegible] Starr, age 14, [illegible] Claremore, I. T.

[illegible] Starr, age 12, [illegible] Claremore, I. T.

[illegible] Starr, age 10, [illegible] Claremore, I. T.

[illegible] Starr, age 8, [illegible] Claremore, I. T.

[illegible] Starr, age 6, [illegible] Claremore, I. T.

[illegible] Starr, age 4, [illegible] Claremore, I. T.

[illegible] Starr, age 2, [illegible] Claremore, I. T.

[illegible] Starr, age 1 month

Enr. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Login White, page 727, #1587, Sequoyah district.
Note! "Creek."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[signature]
Notary Public.

R
Chs. D-2331

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Bad-ter Watatonka, page 787, 4139E, Keetoowah District.
Note: (We-tu-koo-ner.)

W. C. Bagwell, being duly sworn, states that he is a member of the Commission to the Five Civilized Tribes, that he has carefully recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher [redacted]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[redacted]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

[signature]
Notary Public.

R
Cher 1-7312

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

DANIEL STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Daniel Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Cherokee Census, page 738, 1880, Tenth Census.

E. C. Barwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the

R
Cher D-2232

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows;

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Calamahe Walnut, year 72, #1480, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher. 1-6-'03

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment
A For the following named persons on the 1880 Cherokee roll,
their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

[illegible], 1902, Muskogee, Indian Territory.

[illegible]

I, C. C. Bagwell, on oath state that I am stenographer to the Commission to the Five Civilized Tribes, and correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes.

R
Cher D-2233

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

G. F. Ward, page 729, #1431, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

E
Cher D-8914

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

[illegible]

Q Are there any other persons for whom you desire to make application for enrollment
A I desire to apply for the following named persons on the 1896 Cherokee roll, their families and their descendants:

Ollie Walker, page 78, 7433, Cher. ab. sup. ick.

E. C. Harrell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is a accurate transcript of his stenographic notes thereof.

R
Cher D-2254

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Alice Walker, page 738, #1433, Sequoyah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

F. A. Riddell
Notary Public.

R
Cher B-2775

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1880 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Geo. Thompson, page 730, #1434, Sequoyah district.
[illegible] Thompson, page 730, #1435, Sequoyah district,
[illegible] McCarthy

A. G. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher 2235

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Geo. Tuntoosa, page 776, #1434, Sequoyah district.
Eliza Tuntoosa, page 776, #1435, Sequoyah district.
Note: "Creeks"

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES [illegible], ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the Blood Cherokee roll, their families and descendants:

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DEPARTMENT OF THE INTERIOR

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the Blood Cherokee roll, their families and their descendants.

[illegible]

W. [illegible] Bagwell, on oath states that he is stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher D-2236

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jack Zaut, page 731, #1453, Sequoyah district, adopted white. Note: "Married out, does not apply."

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell.

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

R
Cher

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BOMBETT, ET AL.
For enrollment as citizens of the Cherokee Nation:

ERNEST STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Ernest Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q How are to be recognized? A Yes sir.
Q For whom do you desire to make application for enrollment
A For the following named person on the 1896 Cherokee roll, their families and descendants:



Q Are there any other persons for whom you desire to make application for enrollment
A I desire to [illegible] on the 1880 Cherokee roll, [illegible]

Mr. Johnston, [illegible]

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause; and that the foregoing is an accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

R
Cher D-2257

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Jim Anderson, page 732, #1, Tahlequah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of July, 1902.

Notary Public.

B
(Enr. No. [illegible])

[illegible] the Dawes
Commission to the Five Civilized Tribes,
Muskogee, [illegible] 1902.

[illegible] the application of JAMES KNIGHT, et al., for enrollment as citizens of the Cherokee Nation.

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons of the 1880 Cherokee roll, their families and descendants:

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AUG 6 1902
Commission to the Five Civilized Tribes

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the enrollment of all persons of the 1880 Cherokee roll, their families and descendants.

[illegible] Muskogee, [illegible], I. T.

I, [illegible], on oath state that I am [illegible] to the Commission to the Five Civilized Tribes, is correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

R
Cher D-8238

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Sam Anderson, page 732, #2, Tahlequah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

Notary Public.

Docket No. D-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of [illegible] for enrollment as citizens of the Cherokee Nation.

[illegible], being duly sworn and examined by the Commission, testified as follows:

Q. What is your name? A. Lanet Starr.
Q. What is your age? A. Thirty one years.
Q. What is your post office address? A. Chelsea, I. T.
Q. Are you a citizen by blood of the Cherokee Nation?
A. [illegible]
Q. You are so recognized? A. Yes sir.
Q. For whom do you desire to make application for enrollment?
A. For the following named persons as the minor Cherokee children, their [illegible] and descendants:

[illegible]

[illegible]

[illegible]

E. [illegible], on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is a true and accurate transcript of the stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 5 day of [illegible], 1902.

R
Cher D-2230

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL., for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission, testified as follows:

Q What is your name ? A Emmet Starr.
Q What is your age ? A Thirty one years.
Q What is your post office address ? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation ?
A Yes sir, I am.
Q You are so recognized ? A Yes sir.
Q For whom do you desire to make application for enrollment ?
A For the following named persons on the 1896 Cherokee roll, their families and descendants:

Q Are there any other persons for whom you desire to make application for enrollment ?
A I desire to apply for the following named persons on the 1880 Cherokee roll, their families and their descendants:

Nancy Anderson, page 232, #5, Tahlequah district.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

E C Bagwell

Subscribed and sworn to before me this 5 day of December, 1902.

Notary Public.

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee Freedman by
Sophronia Coats.

Mr. Bixby: What is your name?

A - Sophronia Coats.

Q - What was your name in 1880? A - Sophronia Musgrove.

Q - How old are you?

A - I guess something about 56; near that.

Q - What is your post office address? A - Muscogee.

Q - In what district of the Cherokee Nation do you reside?

A - Saline district.

Q - I don't find your name under Musgrove. What name were you under on the 1880 roll?

A - Sophronia Martin; I am a freedman of old aunt Lucy Martin.

Q - Did you ever go by any other name than Sophronia?

A - When we enrolled, I enrolled in my mistress' name, Sophrona Martin.

Q - I mean any other first name, any name but Sophronia?

A - That is all, Sophronia Martin; that is the name I went by before I was married.

Q - Are you on the 1880 roll?

A - I don't know; I saw my name on the pay-rolls; three rolls, the Wallace Roll, 1880 roll, and Clifton Roll.

Q - Who was your owner?

A - Lucy Martin, old George Martin's wife.

Q - What was your father's name?

A - Spence Bell.

Q - Is he living or dead? A - Dead.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - What district did he reside in, before he died?

A - Vineta.

Q - Who was your father's owner?

A - He used to belong to Mr. Jimmie Kell.

Q - What was your mother's name?

A - Betty Martin.

Q - Is she living or dead?

A - She died at the time of the war.

Q - Was she a Cherokee Freedman? A - Yes, sir.

Q - Who did she belong to?

A - Aunt Lucy Martin.

Q - I can't find you here as Coats or Martin or Musgrove, did you have any other name; ever go by any other name twenty years ago?

A - Never went by any other name but Sephronia Martin; that is, before I was married.

Q - What year were you married?

A - Ten years ago; I can't tell you what year; all of us were born before the war.

Q - You say you have drawn money. Did you draw this strip payment?

A - Yes, sir, I have been drawing two or three times; I thought you would see it on the old rolls. I see my names on the old pay-rolls; I saw it on three rolls. I saw it on the 1880 Roll and I saw it on the Wallace Roll and I saw it on the other rolls, old pay-rolls.

Q - What money did you draw under Sephronia Coats?

A - I have been paid money under his name and enrolled in his name twice. After my name was given in it was transferred from Musgrove to Coats.

Q - Were you here during the war?

A - Yes, sir, I was up here on Cabin creek above Vinita.

Q - Did you live in the Territory during the war?

A - Yes, sir, the time the war lasted we went north.

Q - When did you come back?

A - [illegible] over here.

Q - [illegible] Cherokee Nation? A - Yes, sir.

Q - Couldn't you have had some other name two [illegible]

A - Yes, sir, I was by that name; you know I was called [illegible] he told me to enroll in my mistress' name, [illegible] that is where I was called I was enrolled [illegible] have been called so much I don't know how it is. I was enrolled as [illegible] I couldn't have at that time.

Q - That don't help any. You may have had some other name that you have forgotten about. How many [illegible] you have practiced

A - Oh no; Mr. Coats here, and [illegible]

Q - Didn't anyone go under any [illegible] have some other name?

A - Yes, sir, not knowing.

A - [illegible] I couldn't find your name. You [illegible] case to enroll [illegible] reason that your name [illegible] roll of 1880, [illegible] roll of 1896. [illegible] you with? [illegible] that you [illegible] that you [illegible] you.

A - [illegible] Sophia [illegible]

Q - [illegible] roll.

A - [illegible] Sophia [illegible]

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DEPARTMENT OF THE INTERIOR
MAY 11 1900

A - In 1866 over here.

Q - Over in the Cherokee Nation? A - yes, sir.

Q - Couldn't you have had some other name twenty years ago?

A - Yes, sir, I went by that name; you know when we enrolled he told me to enroll in my mistress' name, Sophronia Martin, and then when we were enrolled I was enrolled as Sophronia Musgrove. I have been enrolled so much I don't know how it is. I was enrolled as Tuck, my husband's name at that time.

Q - That don't help any. You must have had some other name that you have forgotten about. How many times have you been married?

A - Twice; Mr. Coats here, and Tuck Musgrove.

Q - Didn't Musgrove go under any other name? Didn't he have some other name?

A - yes, sir, Tuck Downing.

A - Well, I can't find your name. We will have to refuse to enroll you for the reason that your name is not found on the roll of 1880, on the vacant roll of 1880. We will give you a card if you think there is any way that you can assist us in discovering what your name was at that time or help us in any way to identify you.

A - That is all the name I ever had, Sophronia Martin, or Sophronia Bell.

Q - No, there is no Bell. Have you got any children?

A - No, sir, raised some step children.

Q - No children that claim to be Cherokee Freedmen?

A - No, sir, never had any children. In 1880 I drew that money, and I have got proof.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify [illegible]
stenographer to whom [illegible]
from [illegible]
[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 8, 1901.

Supplementary testimony in the matter of the application of Saphronia Coats for enrollment as a CherokeeFreedman; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Saphronia Coats.
Q How old are you? A Something like 56 years old.
Q What is your postoffice? A My postoffice is Muskogee; we live about fifteen miles from Muskogee.
Q In what district do you live? A Canadian District.
Q Now, you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who is it you want to have enrolled besides yourself? A Just myself. My husband is not a native now.
Q Any children? A No sir, just myself.
Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation until they carried me out; all my days.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Did they carry you out during the war time? A Yes sir.
Q Where did they take you? A I went north.
Q Then did you come back after the war? A Yes sir.
Q When did you come back? A Come back in '66.
Q What time in '66? A Directly after peace; I was home directly after peace.
Q Have you lived in the Cherokee Nation ever since? A Yes sir, lived here ever since.
Q Give me the name of your father. A My father is dead; my father is Spencer Bell.
Q Who owned you in old times? A Aunt Lucy Martin.
Q Give me the name of your mother? A Patsy Martin.
Q That was her name before she married your father? A Yes sir.
Q And she was known as Patsy Bell after she married your father? A Yes sir.
Q Is your mothr dead? A Yes sir.
Q You have been married, have you? A Yes sir.
Q How many time? A Twice.
Q Who was your first husband? A My first husband was Tuck Musgrove, but Vann was his right name. His master's name was Musgrove.
Q Is he dead? A Yes sir, he's dead.
Q Give me the name of your second husband? A Julius Coats.
Q Is he dead? A No sir.
Q When did your first husband die? A I guess he's been dead about eight or nine years ago, as far as I can remember.
Q When did you marry Julius Coats? A I don't know, I can't tell the date.
Q About when? A I guess we have been married about three or four years, I reckon as far as I remember.
Q You married after your first husband died - not until after your first husband was dead? A No sir; after he was dead.
Q What was your name then back in 1880? A I expect you were married to Musgrove then? A Yes sir, I guess;he had a nickname. Musgrove is his mater's name; his right name was Vann.
Q Were you enrolled in 1880? A Yes sir.
Q Were you enrolled as Vann or Musgrove? A He put it down as Vann.
Q Then in 1896, you were still a Vann or Musgrove? A Yes sir, as far as I can guess at it.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 192, No. 3031, Sophrona Vann, Cooweescoowee Dist.

A deceased child of the applicant is identified on the authenticated roll of 1880 of the Freedmen of the Cherokee Nation as follows:

Page 192, No. 3032, James Vann, CooweescooweeDistrict.

Q Is that child dead? A Yes sir.
Q Is that your child? A No sir, it was his child.
Q It was your stepchild? A Yes sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon
The 1894 Pay Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you get Cherokee strip money? A Yes sir, I got the strip payment.
Q The big payment? A No sir, I didn't get that. I enrolled but I couldn't find the name; I couldn't read.
Q How long has your mother been dead? A Died the time of the war.
Q Your father, when did he die? A Since the war.
Q Pretty soon after the war? A Yes sir.
Q You say you were north during the war? A Yes, north during the war.
Q Whom did you belong to? A Aunt Lucy Martin; Hooley Bell's grandmother.
Q Is she alive or dead? Your Mistress? A She's dead.
Q How long has she been dead? A She died before the war; just before the war.
Q And you were living here in the Cherokee Nation when the war came on? A Yes sir.
Q And just after the war closed you came back here? A Yes sir.
Q And been living here a free woman ever since? A Yes sir; never been out.
Q You never was set free befor the war? A No sir, not before the war.
Q The war set you free? A Yes sir.
Q You say you never lived out of the Cherokee Nation since you came back here in '66? A No sir, never been out; just been around here in the territory.
Q Have you ever lived in any part of the territory except the Cherokee Nation? A Just the Cherokee Nation.
Q All the time in the Cherokee Nation? A Yes sir; I do my work backwards and forwards from my home to town.
Q Muskogee? A Yes sir, I am doing laundry work.
Q Do you do the work out of your house? A I carry my work and work the town, the biggest part of the [illegible].time.
Q But you keep your home in the Cherokee Nation? A Yes sir, my home is on this side. I have it rented.
Q Could you have been enrolled under the name of your old Mistress as Saphronia Martin? A That is my first enrollment, Saphronia Martin, and when I got that '80 money it was my husband's name Vann or Musgrove. I surely did get that '80 money too.
Q Was your husband Tuck ever called Tuck Downing? A Yes sir, Tuck Downing, Tuck Musgrove and Tuck Vann.
Q Your husband was a colored man, was he? A Yes sir.
Q Whom did he belong to? A Old man Musgrove.
Q And did your husband live in the Cherokee Natinn all his life? A Yes sir, raised there, the one that's dead.
Q How did they happen to call him Tuck Vann? A Why it was a nickname they called him Tuck Vann. Tuck Vann is his right name and Tuck Downing and Tuck Musgrove are nicknames.
Q Did he belong to anybody named Downing? A His father was named Downing. His master was Musgrove.
Q How did he get the name of Vann? A His right name was Vann, but he went by the name all the time of Tuck Musgrove and Tuck Vann.
Q Now, you said in your application on May 11th, of last year, that your husband was named Musgrove and also Downing? A Yes sir, that's the names they called him by.
Q You didn't say anything about his being called Vann at that time? A He is connected with the Vann

A. He is connected with the Vann family; the people that raised him said they were Vann's; his master was a Musgrove, his Mistress was a Vann before she married him.
Q How comes it that you didn't get Cherokee Strip money in 1894?
A I was enrolled in that big payment. I went to hunt my name and I couldn't read. I couldn't read and couldn't find my name.
Q And when the census roll of 1896 was made how comes it that you are not on that roll? A Well, I don't know, I have been enrolled. I can't keep count of the years. I can't read. I have been enrolled two or three times, but the years I can't keep. I can't read at all. I have been enrolled all but that Dlifton Roll.
Q Any of these people who knew you when you were married to your husband Tuck? A Yes sir.
Q Who now, look around? A Mr. Foreman and Mr. Lynch.

Allen Lynch, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your full name. A Allen Lynch.
Q How old are you? A I am 61 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A Ever since I was born.
Q All your life? A All my life.
Q You know this woman here, Saphronia Coats? A Yes sir.
Q Have you known her pretty much all her life? A Ever since she was a little girl.
Q What was her name when she was a little girl? A She belonged to Old Lady Lucy Martin.
Q And they called her Saphronia Martin in that day, did they? A Yes sir.
Q Then after a while she got married, did she? A After the war she did.
Q How may times has she been married? A Twice that I know of.
Q When was she married the first time as near as you recollect?
A It was some time in seventies some time.
Q Who was it she married then? A She married a fellow we called Tuck Musgrove.
Q Had he belonged to a man named Musgrove? A Yes sir.
Q That man Tuck is dead is he? A Yes sir.
Q Did his father and mother die when he was young, or do you know?
A I am not able to tell you that.
Q Who brought him up in his boyhood? A I don't know; the first time I ever seen him I saw him with the soldiers when I was in the army; he was along with the regiment. I couldn't tell you who raised him.
Q What other names did he go by besides Tuck Musgrove? A That is all I know is Tuck Musgrove.
Q Did you ever hear him called Tuck Downing? A Not that I recollect; we always called him Tuck Musgrove.
Q Did you ever hear him called Tuck Vann? A He used to be United States Marshall and we called him Tuck Musgrove.
Q You know this woman lived in the Cherokee Nation back in slavery days? A Yes sir.
Q And was she set free by the war? A Yes sir, I think she was.
Q She was here soon after the war closed? A Yes sir, I seen her here the first time in seventy. I don't know exactly right after the war some time.
Q You don't know just when it was the first time you saw her? A No, I couldn't tell exactly.
Q You don't know where she was during the war? A No sir, I don't know, I was in the Army.
Q Where was she living when she married her husband, Tuck? A I don't know that.
Q Was he a slave before the war in the Cherokee Nation? A Yes sir, a slave.
Q And was he here right after the war? A He was here right after the war. I don't know whether he ever went out; he was in the

Army when I was here; he belonged to the 64th, the Indian Regiment.
Q You knew him at that time? A Yes sir.
Q You never saw him after that? A Yes sir.
Q When was that? A Along in the seventies when I saw him.
Q You didn't see him from the time y u new him in the Army until along in the seventies, when he was married to this woman?
A No sir.

Examination by J. S. Davenport, representative of the Cherokee Nation-
Q You don't know where she hadbeen living during the time of the war until you saw Tuck Musgrove? A No sir, I do not.

Lester Foreman, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:
Q Give me your full name. A Lester Foreman.
Q How old are you? A About 58 years old, I suppose.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You know this woman, Saphronia Coats? A Yes sir, I am acquainted with her some.
Q How long have you known her? A About 21 years.
Q You don't know anything about her behind that? A No sir, I got acquainted with her about 21 years.
Q She was a married woman then? A Yes sir .
Q Who was she married to then? A Tuck Musgrove.
Q Did he ever go by any other name except Musgrove? A I don't know, I don't remember of him going by any other name. That was his name when I got acquainted with him. He went by that name as far as I know.

Commissioner of Applicant-
Q Where did you go up north during the war, when they took you away? A I went to Lawrence, Kansas.
Q Whom did you live with up there? A With my people.
Q Your old people? A Yes sir, that I went from here with when I wasn't working out.
Q You say you come back here in '66? A Yes sir.
Q Where did you come? A Over here on the Grand River where I was raised at. Around about the Island Ford.
Q What did you do, did you have a farm over there? A No sir, I just come home; I was a laundryman all my days.
Q Washing for a family? A Yes sir.
Q You were a good sized girl then? A Yes sir; I have been a laundryman all the time.
Q Whom did you do work for then? A First one and then another- Cherokees.
Q Whom did you live with? A Uncle Joe Martin.
Q Is he living now? A No sir, he's dead.
Q Any of his family living? A I guess not, nobody but Hooley Bell; that's his people.
Q Who is living now that you were with near around Island Ford when you came back in '66? A I don't know who was here- come here.
Q Do you know anybody that is living? A I don't know, I guess there are lots of them living that can say it. I don't know whether they are here or not.
Q You tell me their names? A I don't think there are many of them living; I think they are nearly all dead.
Q Can you think of anybody that is living? A Millie Frye, Andy Frye.
Q Is that a white woman or a colored woman? A Colored woman.
Q She was living then was she? A Yes sir.
Q Is Andy Frye living now? A Yes sir.
Q He knew you then in '66 when you were around Island Ford? A Yes sir.
Q Who among the white people? A There was no white people;there

were colored folks and Indians.
Q Who among the Indians? A It has been so far since I lived at Isoand Ford; I am living downhere. Theold people are nearly all dead. I have been away from there a good while.
Q How long did you stay at Isoand Ford? A Several years; I didn't keep no count.
Q Did you stay there until you married your husband Tuck? A No, I married my husband Tuck down here on Grand River to his mothers.
Q You moved away from Isoand Ford? A I never staid in one place I never had no family then.
Q You staid at Island Ford several years after you got back from Kansas, and you began staying there some time in '66? A Yes sir.
Q That was where you staid first when you got back from Kansas? A Yes sir, around in over there.
Q You cant' think of but two people at present that are now living who knew you there? A Yes sir, pretty near every body is dead.
Q I am talking about the living ones? A The living ones that is all.
Q You remember these two? A Yes sir.
Q You don't remember anymore? A Yes, they are dead. That's all I can remember that was living there at the time now.
Q These two colored peppae; you don't remember any Indian people? A Nothing but Indian people lived around there.
Q And you did laundry work for colored people? A Yes, I had to go backward and forward. I worked for colored people just the same as others.
Q You did laundry work there for different colored people? A Yes sir.
Q What families did you do laundry for? A For first one and then another.
Q Can you give me the names of some of them? A I don't know; I washed for my cousin Millie Frye.
Q Are there any others? A I can't remember; there are others.
Q No other families where the children are living that would know about it? A I don't remember. Rachael Bean.
Q She's dead now, is she? A Yes, she's dead.
Q Has she got children living? A I guess the children is living now. Its been some time since I was up there.
Q She had children living in '66 then? A Yes sir.
Q Give me the names of some of the children? A Joe and Jack and Art Bean.
Q Where are they living now? A I don't know sir; I have been away from there a good while.
Q That is about as far as you can recollect now? A Yes sir.

Examination by J. S. Davenport, representative of the Cherokee Nation-
Q How many children had Uncle Joe Martin when you came back ? A He didn't have many children at the first time. He didn't have a child when I come back.
Q Do you remember that he had any children at all? A No sir, he never had any children.
Q Do you know Dick Martin that lived right there at the Ford and lived there all his life? A Yes, I know Dick Martin.
Q Do you know Dick Martin is Uncle Joe Martin's boy? A Yes sir, I never thought of it.
Q You told him he didn't have children? A He had children but then I moved away.
Q Where have you been living? A I never had any steady home; I am living in Muskogee; my home is over on Canadian a farm. I don't li ve in Muskogee; my husband is in Muskogee.
Q You live in Muskogee? A That's not my home.
Q How long has your husband been living in Muskogee? A I don't know.
Q When did you and he marry? A I guess we have been married about three or four years.
Q Don't you know when you married? A I know, but I aint got my certificate here.

Q You think its been as much as three or four years ago? A That's what I said.
Q Any other Cherokee families that you can remember besides Millie Frye that lived there when you were there? A I can't remember.
Q Do you remember old man Scraper's family? A Yessir and Watts.
Q Where did they live from where you lived? A I can't tell the distance.
Q Did they live on the west side of Grand River or east side? A On the west side as far as I can remember.
Q Which side did Watt West live on? A I don't know.
Q You were grown then? A Its been so long there I can't remember I know they lived on one side or the other.

Commissioner-

The applicant is shown to have made application for enrollment as a Cherokee Freedman on the 11th day of May, 1900, and that case is rejected No. 1 of the Cherokee Freedmen list. In the present testimony, she has been doubtfully identified on the roll of 1880; she is identified by satisfactory personal testimony under her maiden name and as having lived in the Cherokee Nation before the Civil War and through the changes of name substantially as given by herself. There is some conflict of testimony at this time with that given May 11th, 1900, at which time she did not mention the name of Vann as being borne by her first husband at any time and none of the present testimony in support of her own identifies that husband under whose name she is doubtfully identified on the roll of 1880 under that name; nor does any of the present testimony support her claim to have ever been known as Saphronia Vann. She is not identified on the roll of 1896, nor upon the Cherokee Strip Payment Roll of 1894 and 1897. She claims to have come to the Cherokee Nation after an absence during the war in 1866. This, however, is not supported by the testimony adduced in this case, nor is it clearly contradicted. In view of the doubtful character of her identification on the roll of 1880, and for the further consideration of her claim to have come to the Cherokee Nation in 1866, or within any period covered by the treaty of 1866, the present classification of her application will not be changed, but this will be filed as additional testimony for consideration in connection with the final decision in her case.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenburger

Subscribed and sworn to before me this 8th day of April, 1901.

Commissioner.

SUPPLEMENTAL: REJECTED Card #1.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft.Gibson, I.T., April 11,1901.

In the matter of the application of Sophronia Coats for the enrollment of herself as a Cherokee Freedman;
Polly Ross, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Polly Ross.
Q How old are you? A 53 or 4, I don't know exactly my age.
Q What is your post-office? A Ft. Gibson.
Q You know Sophronia Vann? A Yes sir.
Q Known as Sophronia Coats? A Yes sir, I know her as Sophronia Coats and Sophronia Vann.
Q How long have you known her? A Oh, I have known her ever since Wewas young children together.
Q Was she ever married? A Yes sir.
Q Who to? A To Tuck Vann
Q First time I knew her to be married.
Q When was that? A I couldn't tell you exactly.when it was; it was a long time ago.
Q Is Tuck Vann living now? A No sir, he is dead.
Q Was Tuck Vann her first husband? A Yes sir, first husband, to my knowing.
Q Did she marry anybody after Vann's death? A Mr. Coats.
Q What was his first name? A I aint acquainted with him at all; he is a Creek darky; or ~~xxxxx~~state raised.
Q Was this woman a slave, Sophronia? A Yes sir.
Q Who did she belong to? A I forget her owner's name.
Q You know where she was during the war between the United States and the Confederacy? A No sir, I saw her when they brought the Refugees down here, and I was right there looking for the man who was issuing the Refugees provisions, and I said, you got back; and she said, yes, they turned all of us nigers loose, and I said well I am here to cook for you nigers, and I shook hands with her.
Q When was that? A I can't tell you; it was right after the war, when they brought the refugees in.
Q What was her name then? A I just called her Miss Vann.Sophronia Vann.
Q Did you how Tuck Vann? A Yes sir, that's how come me to know her so well; they called him Tuck Musgrove, and he introduced himself to me as Mr. Vann, and we had a dance, and we was dancing on the floor, and they kept calling him Musgrove, and I says, why they call you Mr. Musgrove, and he says that's my name-Vann, and these scrubs call me Tuck Musgrove.
Q Was he married then to this woman? A Yes sir, but I didn't know it.
Q You was dancing with him? A Yes sir, he was a good dancer and a fine looking man.
Q Good dancer was he? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q You saw them right here in Ft. Gibson just after the war? A Yes sir.
Q How long did you how them in Ft. Gibson after that? A I don't know; I was here just after the war.
Q About how long did you see her about here? A I couldn't tell you exactly, Mr. Hastings, because you how I didn't come back to town any more.
Q You only saw her here one time?
A I saw her here a day or two, arennd.
Q Good many people here?A Yes sir.

Q You didn't know her before the war? A Yes sir, I knowed her before thewar; I was just slightly acquainted with her; I had met her several times.
Q What part of the country did she live in before the war? A I saw her right here in Gibson; I saw her at dances; I didn't know where she lived at.
Q Was she a single girl then? A No sir, she was married then.
Q To this man Vann? A Yes sir, I guess so; he claimed her as his wife; she went by the name of Miss Vann,- I don't know.

JOHNSON VANN, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Johnson Vann.
Q What is your age, Mr. Vann? A 58.
Q What is your post-office address? A Choteau.
Q You know Sophronia Coats? A Yes sir.
Q How long have you known her? A I guess I have known her close on to 43 years.
Q Did you know her before the war between the United States and the Confederacy? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who was her owner? A Mrs. Martin.
Q Was she taken out during the war, do you how? A I don't know sir, whether she was or not.
Q You knew her before the war? A Yes sir.
Q Where did you see her ~~before~~ after the war? A I met here right here in Ft. Gibson just after the war.
Q Was ~~she~~ that right after the war? A Yes sir.
Q Met her at Ft. Gibson? A Yes sir.
Q You don't recollect what year that was? A Yes sir.
Q What year was it? A A Fall of '66.
Q Have you known her ever since that? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Till she married Mr. Coats.
Q Who was she married to when you knew her, right after the war? A She was married to a man named Tuck Musgrove.
Q Was he ever known by any other name except Musgrove? A Yes sir.
Q What? A Way he come to be Tuck Vann- when his Missus married Mr. Musgrove her father give him to her; Ave Vann was his master, and they give Tuck and his mother to Mrs Musgrove, and I guess he took it to be- that's the way he come to call himself ~~Musgrove~~ Tuck Vann; his Missus was my missus sister.
Q What was your missus sister's name? A Sallie Musgrove.
Q You say after that he was given to a man named Vann? A His master was named Vann; her father give this boy and his mother to Mrs Musgrve when she married off.
Q Was he known by the name of Vann before he was known by the name of Musgrove? A I guess he was.
Q Was he ever known by the name of Vann? A I couldn't recollect. sofar back; I recollect his mother belonged to Ave Vann.
Q Was Tuck Musgrove and Tuck Vann the same man? Yes sir.
Q She was the wife, then of Tuck Vann was she? A Yes sir.
Q And you know positively that she was here in '66? A Yes sir, she was here.

Examined by Cherokee Representative, W.W.Hastings:

Q Now, Johnson, do you know what year this is? A 1901.
Q You know what year '66 was, when that was? A I tell you how I know; I know by myself coming home.
Q Where did you see this woman in '66? A I met this woman here as I passed through this town; I staid all night here with my father-in-law.

Q You remembered it thirty-five years? A Yes sir, because the woman has been to my house, time her husband was riding for the work of the United States
Q Where did this woman live before the war? A With Mrs. Martin up on Grand River here, right across the river from Mr. Bryan's.
Q About how far is that from here? A I don't know.
Q 20 or 25 miles? A Yes sir. 30 or 35 miles or more.
Q Was she married before the war? A No sir, she wasn't married before the war to my knowledge.
Q You knew her didn't you? A Yes sir.
Q She wasn't married to Mr. Vann before the war? A No sir, she was not married to my knowing.
Q How far did you live from her? A I lived about 15 miles from here.
Q You know who brought her back after the war? A No sir.
Q You don't remember who she come with? A No sir.

JOHN BALDRIDGE, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John Baldridge.
Q How old are you? A I was bred and born in the year 1830.
Q That would make you about 70 years old? A 71.
Q Are you a Cherokee Freedman? A Yes sir.
Q Have you been recognized as a Cherokee Freedman? A Yes sir.
Q You know Sophronia Coats? A Yes sir.
Q How long have you known her? A I have known her ever since the year 1866, and off and on time of the war, when they was camped at the Neosho River with the Refugees.
Q Was she ever married? A Not before the war.
Q Was she married after the war? A She married along after the war, yes sir.
Q Who to? A Man named Tuck Vann, we called him Tuck Vann; he was a soldier right here with us; sometimes we called him Tuck Musgrove; we all was together here.
Q You know where Sophronia was during the war? A She was up and down the river, I couldn't tell exactly where she was, but she has been out in here all along.
Q When was the first time you saw her after the war? A I saw her the very day the refugees came in here to Gibson from Neosho River.
Q She came with them? A Yes sir.
Q When was that? A In the spring of '66.
Q You are positive you saw her here in Ft. Gibson in the spring of '66? A Yes sir.
Q Where has she been living since that? A I understood she lived at Muskogee.
Q Is Tuck Vann living? A No sir, he is dead.
Q He was a Cherokee Freedman was he? A Yes sir.
Q You know who owned Sophronia? A No sir.
Q Who owned Tuck? A He lived with Musgrove when he was a boy.

Examined by Cherokee Representative, W.W.Hastings:

Q You got acquainted with her during the war? A Time of the war, yes sir.
Q You know who brought her back here? A She come with the old refugees; all the colored people come together.

By Com'r Needles:

Q Come from Neosho, Missouri? A Yes sir.

By Hastings:

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

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Q Where has she been living since that? A I understood she lived at Muskogee.
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Q He was a Cherokee Freedman was he? A Yes sir.
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Q You got acquainted with her during the war? A Time of the war, yes sir.
Q You know who brought her back here? A She come with the old refugees; all the colored people come together.

By Com'r Needles:

Q Come from Neosho, Missouri? A Yes sir.

By Hastings:

Q Was she a grown woman when you first knew her? A Yes sir.
Q That was during the war? A Yes sir. I don't know what age she was.
Q What in size? A Yes sir, she was a woman size.
Q That was before '66? A Yes sir.
Q You saw her first during the war? A I saw her while they was camped at Neosho River; I couldn't tell her age; she was camped there, and I stood guard there over the refugees many a night.

Examined by Com'r Needles:

Q Was you a soldier? A Yes sir, I was a soldier right here, Indian Home Guard.

SOPHRONIA COATS, the applicant, called, testified as follows:
Examined by Commissioner Needles:

Q Your name is Sophronia Coats? A Yes sir.
Q You were married at one time to Tuck Vann? A Yes sir.
Q You are the applicant here? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Now, Sophronia, you were a slave before the war? A Yes sir.
Q About how old were you when the war come up? A I can't exactly tell my age.
Q Good sized girl, about grown? A Yessir.
Q Where did you go during the war? A I went north.
Q Well, what point north, where? A Lawrence, Kansas.
Q And you staid up there until after the war was over? A Yessir
Q In the town? A Yes sir.
Q Who did you live with up there? A I just worked all the time and lived with first one and another; worked for my living all the time.
Q With families up there? A Yes sir.
Q Who did you come back to the Cherokee Nation with? A I come back with a whole lotof folks; just a big gang of nigers.
Q Where did you come to? A I come first place I come I come around in there by the Island Ford.
Q How long did you stay at Island Ford? A I didn't stay there longer than a week or two.
Q Then where did you go? A Come around here in ~~Sitwell~~ Ft. Gibson; staid here a week or two- month of two, something like that, and I just went around and around here in the Territory; never had no certain place.
Q Did you tell the Commission five years ago that your name was Vann, anything about being married to Tuck Vann? A I don't know what I did tell them then; it has been so long.
Q Now who did you say then you came back here with? A I said I come back with a whole passel of nigers.
Q Anyone in particular bring you back? A No, just all of us come
Q Didn't you say then you came back with Sawnie Curry? A All of us was together; just a whole lot of us.
Q Didn't you claim at that time that you came back to Silver Lake? A Yes sir, I lived there four years.
Q Didn't you say then you staid there two years before you came to Ft. Gibson? A I just tell you as near as I can, I been around so many places, I tell the truth as near as I can, I have got no recollection, I am just like something crazy, I can't count nor nothing; of course you might write it down, but I forget it.
Q When were you married to Tuck Vann? A After the war.
Q You wasn't married to him before the war? A No sir.

POLLY ROSS, re-called, and examined by Com'r Needles, states:

Sophronia Coates- Polly Rees, witness- Page 8

Q What else do you want to say? A She don't have no right mind, I aint got much sense, but she aint got any; that's all I have to say.
Q You are positive about your testimony? A Yes sir.
Q Is her name Coach or Coats? A Coats.

-----close-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 12, 1901.

Commissioner.

Supl. F. R. #1.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 10, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Sophronia Coats as a Cherokee freedman; introduced on part of applicant:

Appearances: Mr. D. M. Wisdom, Attorney for Applicant;
Mr. W. W. Hastings, Cherokee Representative.

JOSEPH JOHNSON, being duly sworn, testified as follows on part of applicant:

Examination by Mr. Wisdom:

Q What is your name? A Joseph Johnson.
Q Where do you live, Joe? A I am living between the two rivers now, in the Creek Nation.
Q What two rivers? A Verdigris and Arkansas.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know a woman by the name of Sophronia Coats now called?
A I know her by Sophronia Vann.
Q Do you know Sophronia Coats? A Yes, sir.
Q Did you know her by the name of Sophronia Vann? A I did.
Q What was her husband's name? A Sometimes went by the name of Tuck Vann and sometimes Tuck Musgrove.
Q Whom did Sophronia Coats belong to when she was young, before she married? A Claimed she belonged to one of the Martins, I don't know.
Q Do you know who her father was ? A No, sir.
Q When did you first become acquainted with her?
A Right after the war.
Q Where did you see her? A Fort Gibson, seen her there and knowed her. She come there at Fort Gibson.
Q What year was that? A I don't remember just what year it was, after the war.
Q Immediately after the war? A Yes, sir.
Q Were you in the war? A No, sir.
Q Did you stay in this territory here during the war,
A No, sir, I was carried south and come back about the winding up.
Q Well, do you identify Sophronia Coats and Sophronia Vann to be one and the same party? A Yes, sir.
Q Or Sophronia Musgrove? A The same party.

MR. HASTINGS:

Q Joe, you don't know any dates? A No, sir
Q You don't know what date this is? A No, sir.
Q You don't know what date last year was? A Yes, sir, there is no use for me to go to work and say.
Q You don't know? A No, sir.
Q You don't know any dates for that matter? A No, sir.
Q All you know is that you saw this woman in Fort Gibson after the war? A Yes, sir, shortly after the war.
Q As muchx as 20 years after the war? A No, sir, was not that long.
Q As much as ten? A Yes, sir, I guess so.
Q That is your best judgment? A Yes, sir.

MR. WISDOM:

Q Do you regard this woman as of sound mind? A No, sir; at times she has not got her right mind.

MR. HASTINGS:

Q Where is she living now? A She is living here in Muskogee.
Q How long has she been living here? A I don't know, sir, how long she has been living here.
Q Twenty years? A I say I don't know how long she has been living here; before I come here to live I was on Spaniard Creek in Canadian, stayed there about 12 or 15 years, on the ranch before I came here.
Q Where did you know this woman before? A At Fort Gibson.
Q That was after the war? A Yes, sir.
Q Was she a single woman? A That was her husband's name.
Q Who was her husband? A I don't know, he belonged to some of the Musgroves.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this February 11, 1902.

Commissioner.

Cherokee Freedmen R 1 JC4 681

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sophronia Coats as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on May 11, 1900, Sophronia Coats appeared before the Commission at Muskogee, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on April 8 and 11, 1901, and at Muskogee, Indian Territory, on February 10, 1902.

The said Sophronia Coats is identified on the 1880 authenticated roll of the Cherokee Nation as "adopted colored".

The evidence shows that the said Sophronia Coats has continuously resided in the Indian Territory since 1880.

It is, therefore, the opinion of this Commission that the said Sophronia Coats should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

(SIGNED) T. B. Needles.

(SIGNED) C. R. Breckinridge.

(SIGNED) W. E. Stanley.

Muskogee, Indian Territory,

this JUL 10 1902

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-1.

Muskogee, Indian Territory, July 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1906, granting the application of Sophronia Coats for the enrollment of herself as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. R-7.

CHEROKEE FREEDMAN

N 1

Sophronia Coats

A. Original Testimony. May 11, 1900
B. Memo of application May 11, 1900
C. Supplementary testimony Apr 4, 1901
D. Supplementary testimony Apr. 11, 1901
E. Notice of re-hearing.
F. Receipt for testimony.
G. Supplemental testimony 2/10/02

Date

Chen Fr H/223

Cher Fr R 2

Cher Fr R 2

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1906.

In the matter of the application for enrollment as a Cherokee Freedman by
Nancy Laster, for herself and for Arthur Laster.

Nancy Laster, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A - Nancy Britton.

Q - How old are you?

A - I don't know my age; Mr. Hitchcock raised me.

Q - About how old? A - I guess about 38, but I am not on the 1880 roll. I drew the two first payments that were paid out, the $10, Mr. Hitchcock drew the $10, and I drew $15, and they put me off with the colored people and when they put me off with the colored people they wouldn't let me appear with the colored people account of my father being Cherokee.

A - Are you on the Indian Roll of 1880? A - Yes, sir. Mr. Hitchcock he drew the first payment for me, he will tell you that. I don't appear on the 1880 roll; they threwed me with the colored people and after they threwed me with the colored people I went to Vinita and they wouldn't let me draw with the colored people, said I had to draw with the Cherokees account of my father being a Cherokee, and I got mad and never bothered with it any more.

A - Are you on the 1894 roll, do you know?

A - I drew the $15, I don't know what roll I was on. I drew two payments.

Q - Did you draw the script money? A - No, sir, I dodn't get that. I never bothered about having my name taken. They made me mad when they wouldn't give me my money when I went after it, and I didn't bother with it.

Q - What is your post-office address? A - Muskogee.

Q - What district do you reside in?

A - I live here now.

Q - Who was your owner?

A - I never had no owner?

Q - Were you born a free woman? A - Yes, sir.

Q - What was your father's name?

A - I don't know my father's name; he died when I was little; I don't know anything about him.

Q - Was he a Cherokee Freedman?

A - I don't know whether he was or not.

Q - You don't know where he resided? A - No, sir.

Q - You don't know anything about whether he had an owner or not? A - No, sir.

Q - What was your mother's name?

A - Rachel Hutton before she married.

Q - Is she living? A - No, sir.

Q - Was she a Cherokee woman?

A - Cherokee by blood.

Q - When did she die?

A - She died before these payments were ever paid out.

Q - When did she die? Before the war? A- No, sir since the war.

Q - What district do you belong to in the Cherokee Nation?

A - I live up about Kerrys Ferry.

Q - What district did you draw money in?

A - Ft. Gibson; Illinois district.

Q - Are you married?

A - No, sir, I wasn't married then. I am married now. My name is Nancy Lassiter. I put my name down after I left Mr. Hitchcock's family as Britton. You might find it Crow.

Q - I don't find you as Britton or as Crow on the Roll of 1896. How long have you been married?

A - About five months.

Q - Ever been married before?

A - No, sir. I know there was a man looked for my name at Tahlequah and I knew he found it on the 1883 roll.

Q - Your name would be Britton in 1894?

A - Yes, sir.

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Isaac Brown Hitchcock, sworn, testified:

Mr. Bixby: What is your name?

A - Isaac Brown Hitchcock.

Q - Do you know this applicant, Nancy Lassiter?

A - Yes, sir.

Q - How long have you known her?

A - About the time that I first knew anything about her, was about the time the census was taken for the first payment of the bread money, I don't know what year that was. It was the fruits of the rental of the land to the great cattle companies, and the first payment of that rental was paid out, what we called the bread money.

Q - Are you a Cherokee citizen? A - Yes, sir.

Q - How old are you?

A - 75 years old the 28th of February.

Q - Where do you live?

A - In Vinita, Cherokee Nation.

Q - You have known this woman practically all her life?

A - You might say so, in round numbers.

Q - Tell us what you know about her citizenship.

A - I know that her mother was recognized as a Cherokee by blood. She belonged to the Ward family, and they lived just after the war on Horse Creek in the neighborhood were I lived, in Delaware district, and I moved from there to what is called the Big Spring Place in Delaware District, and I was living there at the time of this payment of the bread money, I can't tell the year, and the census taker coming around found her living in my family. I took out letters of guardianship according to our Cherokee law from the judge of our district, and she was recognized as being a Cherokee citizen by blood and so enrolled, and her share of the bread money was paid over to me while she was a member of my fam-

ity. [illegible] was left in front and I must account for her wanderings. She went out of the kitchen and was gone several hours, and part of the time was at Seaview. He was living there and in that way were getting receiver and rent with payment and I went to her and told her [illegible] down and look after her matters or she would be lost [illegible] ity but she [illegible] I don't know [illegible] walked along and I don't know anything of her. I heard [illegible] wards at different times and places and told her [illegible] done as I advised her. and she [illegible] late them. She didn't come in and [illegible] comers. I [illegible] she would have trouble [illegible] she didn't [illegible] time, and I could have helped her. She didn't [illegible] ruling at that time for the grant strip payment, but came in after that, and I [illegible] in Vinita, but at other places, and at Indianola, living in the family of Dennis Vaughan, our chief.

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Dennis Vaughan, recalled, testified as follows:

Mr. Busby: Have you any children? A - Four, sir.

Q - What is your husband's name?

A - Will Vaughan.

Q. Is he a full blood? A - No, sir.

Q - What is Nellie Vaughan? A - Yes, sir.

Q - [illegible] of your child.

A - Arthur.

ily. Then soon after that she left my family and I can't account for her wanderings. She went out of the Nation and was gone several years, and part of the time was at Neosho, Mo. She was living there and at thattime they were getting readyfor the great strip payment and I wrote to her and told her she had better come down and look after her matters or she would be left out in the cold, but she didn't come, and I don't know why. Matters then rocked along and I don't know anything of her. I heard of her afterwards at different times and places and told her she ought to have done as I advised her, and she acknowledged it, but it was too late then. She didn't come in and wasn't enrolled in the regular census. I toldher she would have trouble in the future because she didn't come in and be recognized by the officers at the proper time, and I could have helped her. She didn't come and wasn't enrolled at that time for the great strip payment, but she came in after that, and I saw her in Vinita, and at other places, and at Tahlequah, living in the family of Dennis Bushyhead, our chief.

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Nancy Laster, recalled, testified as follows:

Mr. Bixby: Have you any children? A - Yes, sir.

Q - What is your husband's name?

A - Will Laster.

Q - Is he a Cherokee? A - No, sir.

Q - United States citizen? A - yes, sir.

Q - What is the name of your child.

A - Arthur.

Q - How old is he? A - 17 years old.

Q - Did he ever draw any money?

A - No, sir.

Q - Ever been on the Cherokee Rolls? A - No, sir.

Q - Do you claim for him? A - Yes, sir.

Your enrollment is refused for the reason that your name is not found on the authenticated roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Cherokee 3871.
To be filed with Cherokee Freedman D-2.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., September 26th, 1900.

IN THE MATTER OF THE APPLICATION OF Nancy Laster and son, for enrollment as citizens of the Cherokee Nation, and she being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your full name? A Nancy Laster.
Q What is your age? A About thirty six or thirty seven.
Q What is your Postoffice? A Muskogee.
Q What District do you live in? A Illinois I believe: I have not been there very long.
Q You live in the Cherokee Nation, do you? A No sir; I am working in Muskogee now.
Q What district do you claim as your home? A I was raised out here on Horse Creek: I do not know exactly what district it is.
Q Delaware District? A Yes sir.
Q Who is you want to have put on the rolls? A Myself and boy.
Q Yourself and one child? A Yes sir.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir; but I was thrown off with the colored before: They said I had to follow with the Cherokee side, on account of my mother being a Cherokee.
Q Did you apply to the Dawes Commission? A Yes sir; when they took the colored census I did.
Q You claim through your Cherokee blood? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I can remember.
Q All your life? A Yes sir.
Q What is your father's name? A Lewis Crew.
Q Cherokee or white man, or colored, or what? A Part colored and part Cherokee.
Q Is he dead or living? A He is dead.
Q How long since he died? A I do not know; before I can remember.
Q Give me your mother's name? A Rachel Crew.
Q Is she a Cherokee? A Yes sir.
Q Is she dead? A Yes sir.
Q How long since she died? A She has been dead ever since I was eight or nine years old.
Q You have been married, have you? A Yes sir.
Q Been married more than once? A No sir; just once.
Q When were you married? A Last year.
Q Never married until last year? A No sir.
Q To whom were you married then? A Will Laster.
Q And the balance of your life, your name has been Crew? A Yes Sir.
Q Have you a certificate of your marriage? A No sir; I did not bring it: I did not know you had to have it.
Q What is William Laster? A He is part colored, and belongs to the States.
Q You make no claim for citizenship for him? A No sir.
Q What was your step father's name? A John Britton.
(1880 Roll, Page 311, #297, Nanny Britton (Applicant) Illinois District)

Q Is John Britton dead or alive? A Dead, I guess.
Q You do not know how long he has been dead, do you? A No sir.
Q Been dead twenty years? A Yes sir.
Q He was your step father? A Yes sir.
Q In 1880, your mother went by the name of Britton, did she? A Yes sir.
Q Did you draw Cherokee strip money? A No sir; I only drawed in two payments: That was the ten dollar, and the fifteen or sixteen dollar; I do not remember which.
Q You never applied to the Dawes Commission for admission, did you?

A Yes sir; I went to them, and they told me to come here where I was raised at.
Q When did you go before them? A I disremember just when.
Q This year? A Yes sir.
Q You just applied to be enrolled like you apply now? A Yes sir.
Q That is all the application you ever made, is it? A Yes sir.
Q Where did you live in 1880? A I lived here and Ft. Gibson and Tahlequah.
Q When you applied to be enrolled in 1896, what name did you give in? A Britton.
Q Did you apply to be enrolled on the census roll four years ago? in 1896? A Yes sir.
Q Why did they not take you? A I do not know: They just throwed me off to the colored: That is how come me to be off that: Just throwed me over to the colored.
Q What is the name of your child? A Arthur.
Q How old is the child? A Seventeen years old.
Q He is your child, is he? A Yes sir.
Q What do you call him; Arthur what? A Arthur Colwill.
Q This child is living now, is he? A Yes sir.

The applicant is identified on the roll of 1880 as a native Cherokee: She is part Cherokee and part colored: She is identified on the roll of 1880 under the name of her step father, which name she bore at that time. It is developed that she was refused enrollment in 1896, because they classed her as a colored person.

There appears to be no valid reason why she should not be enrolled at this time; as she has lived in the Cherokee Nation substantially all her life: She will be listed now for enrollment as a Cherokee by blood.

As for the application for the enrollment of her son, she states that he is living at this time, and he would not appear upon the census roll of 1896, for the same reason that his mother would not appear upon the roll at that time, but he possesses her rights, and he will be listed now for enrollment as a Cherokee by blood. It is considered that he was born into the full exercise of his Cherokee rights, arising from the status and residence of his mother.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R. R. Cravens.

Subscribed and sworn to before me
this 29th day of September, 1900.
C. R. Breckinridge.

COMMISSIONER.

The undersigned, being duly sworn, state that is stenographer to the Commission to the Five Civilized Tribes, the above and foregoing is a true and complete copy of the original transcript.

Ray Palmer

Subscribed and sworn to before me this 22 day of July, 1902.

Notary Public.

ENROLLMENT RECORD [illegible] R2

IN THE MATTER OF THE APPLICATION OF

Nancy Foster et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original Application May 11. 1900

B. Memo of Selection May 11. 1900

C. [illegible]

and [illegible]

to [illegible]

[illegible]

CANCELLED

Cher Fr R 3

Cher Fr R 3

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Lisa Martin.

Lisa Martin, being duly sworn, testified as follows:

Mr. Bixby: What is your name?

A - Lisa Martin.

Q - How old are you?

A - 28 years old.

Q - Are you married? A - yes, sir.

Q - What was your name before you were married?

A - Lisa Martin.

Q - Did you ever go by any other name?

A - No, sir, just Lisa Martin.

Q - Didn't you have any other name in 1880, twenty years ago?

A - No, sir.

Q - In what district do you reside? A - Coowescoowee.

Q - What is your post office? A - Muscogee.

Q - Do you know whether or not you are on the roll of 1880?

A - I guess I am, I drew this last money.

Q - Who was your owner?

A - Joe Martin was my father's owner.

Q - What was your father's name? A - Dave Martin.

Q - Is he living? A - Yes, sir.

Q - Was he a Cherokee Freedman? A - yes, sir.

Q - What district does he reside in? A - Coowescoowee.

Q - Who did you say that your father's owner was? A - Joe Martin

Q - What was your mother's name?

A - She was a state woman.

Q - What was her name? A - Jane Martin.

Q - What was her name before she was married?

A - Jane Hackett.

Q - Is that right? A - Yes, sir.

Q - Is that a correct statement? A - Yes, sir.

Q - Did you make any other payments which you have not mentioned in this article?

A - No, not that I know of; that is the only payment I made.

Q - Did you receive any money in the transaction at the time of the sale? A - No payment was made.

Q - Did you get out of the transaction at that time?

A - I don't know exactly what I got; I got some money and I got my release.

Q - [illegible]

A - [illegible]

Q - [illegible]

A - I was [illegible] I drove [illegible]

Q - [illegible]

[illegible] (Seal of Court)

Department of the Interior

[illegible]

[illegible]

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MAY 11 1939
COMMISSIONER OF INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
MAY 11 1939

Q - Is she living? A - Yes, sir.

Q - Is she a United States citizen? A - Yes, sir.

Q - Are you sure that you never went by any other name but Martin?

A - No, sir, not that I know of; that is what my father always put me down as.

Q - Did your father and mother live in the Territory at the time of the war? A - My father did.

Q - Did he go out of the Territory during the war?

A - I don't know anything about that; he was here when I first recollect.

Q - Did you ever go by any other name besides Lisa?

A - Lisa Ellen.

Q - We don't find you on the roll of 1880, and in conformity with the instructions of the Secretary and the law of 1896, we must refuse to enroll you.

A - Well, I was sure I am on the Wallace Roll. I drew money under that.

Q - Have you got any children? A - No, sir.

Lisa Martin's name is found on page 175, Wallace Roll, Number 3269. (Roll of 1889)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as Stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Isaac Evans

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

CHEROKEE FREEDMAN. R 3

IN THE MATTER OF THE APPLICATION OF

Eliza Martin

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

1900

1900

1900

CANCELLED

Cher Fr R 4

Cher Fr R 4

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1906.

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In the matter of the application for enrollment as Cherokee Freedman by
Laura Gross, for herself, and for Mary, Kay, and Sallie Gross.

Laura Gross, being duly sworn, deposed as follows:

Mr. Bixby:

What is your name?

A - Laura Gross.

Q - Was that your name in 1880? A - Yes, sir.

Q - How old are you?

A - I reckon about 48.

Q - Did you ever go by any other name?

A - No, sir.

Q - Which district do you reside in?

A - Canadian.

Q - What is your post office? A - Muscogee.

Q - Do you know whether your name is on the roll of 1880 or not?

A - No, sir, I don't think it is.

Q - Who was your owner? A - James Allen Thompson.

Q - What was your father's name?

A - I don't know, sir.

Q - Is he living or dead? A - I don't know, sir.

Q - was he a Cherokee Freedman?

A - No, sir.

Q - What was your mother's name? A - Savannah.

Q - Is she living? A - No, sir, she is dead.

Q - Was she a Cherokee Freedman?

A - Yes, sir.

Q - To whom did she belong? A - James Allen Thompson.

Q - Are you married? A - yes, sir.

Q - What is your husband's name? A - Richard Gross.

Q - Is he a Cherokee Freedman? A - No, sir.

Q -Have you any children?

A - yes, sir, I have six.

Q - What are their names?

A - William, Nora, Leo, Mary, Kay, and Sallie.

Q - How many children have you under 21 years of age?

A - I have three.

Q - What are their names?

Mary, who is 18 in February; Kay is sixteen in January; and Sallie will be twelve the last day of May.

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We must refuse to enroll you for the re[illegible] not on the authenticated roll of 1880, but we will [illegible] you. Go over to the Secretary.

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COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Department of [illegible]

Q -Have you any children?

A - Yes, sir, I have six.

Q - What are their names?

A - William, Emma, Lee, Mary, May, and Sallie.

Q - How many children have you under 21 years of age?

A - I have three,

Q - What are their names?

Mary, she is 18 in February; May is sixteen in January, and Sallie will be twelve the last day of May.

We must refuse to enroll you for the reason that Mary is not on the authenticated roll of 1880, but we will make a card for you. Go over to the Secretary.

RECEIVED
MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath, as stenographer to above named Commission, that this transcript is a true, full and correct transcription of my stenographic notes.

Clarence E. Soares

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
JUNE 25, 1900.

Cherokee Freedman Card R 4.

In the matter of the application for enrollment as Cherokee Freedmen of Laura Gross, et al.

Bot Thompson, having been first duly sworn, testifies as follows:

Q What is your name? A Bot Thompson.
Q How old are you? A Fifty seven as near as I can get at it.
Q Where do you live? A Out on Four Mile Branch across Grand River,
Q In the Cherokee Nation? A Yes sir.
Q What is your post office address? A Fort Gibson.
Q Are you a Cherokee Freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life. I was out a little the time of the war.
Q Are you acquainted with Laura Gross who is an applicant for enrollment as a Cherokee Freedman? A Yes sir.
Q How long have you known her? A Known her since she was a little child and her sisters, daughters said to be one of my young massa's daughters by one Savanna a colored woman.
Q Was this woman a slave of a Cherokee Indian? A Yes sir.
Q The applicant, I mean? Laura, was a slave of a Cherokee Indian was she? A Laura was just three years old when the war came up and when I went into the war, they carried her north and me south.
Q Who was her owner? A Old Jim Allen Thompson.
Q What did you say her mother's name was? A Savannah. We called her Suanna.
Q Is there any other statement with reference to the claim of this woman as an applicant as a Cherokee Freedman that you want to say?
A No.
Q To applicant:
Q Do you want to ask him any questions? A Well, I don't know what to ask him.
To witness:
Q Do you know how it happened that the name of this applicant does not appear on any of the Cherokee rolls? A Yes sir. This woman was drapped up about Cowskin Prairie. Her grandmother was dead, she died up in Kansas. The Federals took her up in Kansas and she died up there and the Cherokees didn't see about enrolling thiese orphan children. There is just lots of them they didn't see anything about; that's how come it.
Q Do you know where she went to when she was taken out of the country?
A They taken her north up in Kansas.
Q How long was she up there? A I don't know; you see I was in the Southern army and the Union people took her north.
Q When did you come back to the Cherokee Nation after the war?
A My old boss fetched me back in six months; said he had a limit of time to get here.
Q What time in what month? A It was in the fall of 1866. I can recollect that 'cause I had to wade the river and drive the steers; they got stalleded in the center.
Q Was this woman here in the Cherokee Nation when you come back?
Q Yes sir.
Q You don't know how long she had been here? A No sir, I don't, didn't see her; I was inquiring about my people, and heard of her.
Q Where was she? A She was up at Cowskin.
Q What District is that? A Saline.
Q How long was it before you saw her? A About five or six years.

[illegible]

[illegible]

[illegible]

Q Where was she? A She was up at Cowskin.
Q Then from the time you came back from the Southern army in the fall of 1866 you didn't see her for four or five years.
A No sir, I heared of her being in here but didn't see her.
Q You have no idea when she returned from Kansas? A No sir, if I did I could date the time. She was just a orphan girl.
To the applicant;
Q Is there anything further you want to prove by this witness? A I don't know what is necessary; I guess you know more about the business than I do.
To the witness;
Q Now you made a sort of an explanation as to why her name didn't appear on the Cherokee rolls; that referred to the old roll, when she was a girl, you say. Didn't you know there have been several Cherokee Freedman rolls made in recent years? There was one made in 1880, and there has been one made since that time. Do you know how it happened that her name and her children whom she represents don't appear? A Why she just neglected it; they didn't have the sense to do that. The Cherokees attend to Cherokee business and the darkeys to darkey business. They didn't care how many was left off.

Anna Bell, being first duly sworn, deposes and says; that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the testimony in the above entitled cause, given by the witness Bot Thompson, and that the above and foregoing is a complete and full transcript of her stenographic notes in said cause.

Anna Bell

Subscribed and sworn to before me this 6th day of July, 1900.

Commissioner

Original testimony, May 11, 1900
Supplementary testimony, June
Notice of application, May 11, 1900
Notice of rejection.
Receipt for testimony

CANCELED

Cher Fr R 5

Cher Fr R 5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee freedman by
and for George Ames Mayfield.
and for Mamie and Luther Mayfield.

George Ames Mayfield, being duly sworn, deposed:

Mr. Bixby: What is your name?

A - George Ames Mayfield. On the Wallace Roll you will find it Ames Mayfield. Some called me George and some Ames.

Q - About How old are you?

A - I reckon about 56 or 57.

Q - To which district do you belong? A - I belong in the Illinois district.

Q - What is your post office?

A - Muscogee is my post office now.

Q - Do you know whether or not your name is on the 1896 Roll.

A - I think it is.

Q - From which district were you enrolled in 1896?

A - In the Illinois District.

Q - Who was your owner?

A - My owner was a Mayfield, Mrs. Mayfield.

Q - What was your father's name?

A - My father's name was Handy Starr.

Q - Is he living or dead?

A - I can't tell, he was gone before I was ever grown.

Q - Was he a Cherokee Freedman? A - yes, sir.

Q - What district did he belong in? A - Flint District.

Q - Who was your father's owner? A - Ennuichee Starr.

Q - Is your mother living?

A - No, sir, she is dead.

Q - What was her name. A - Silla.

Q - Who did she belong to?

A - Belonged to the Mayfields.

Q - Are you married? A - yes, sir.

Q - Are you married to a Cherokee Citizen?

A - No, sir, my wife is a state woman.

Q - What is her name?

A - Hannah Mayfield.

Q - Have you any children? A - Two.

Q - Are they under age? A - yes, Sir.

Q - What are their names and ages?

A - Mamie and Luther, Mamie is about 9 years old. Luther is about 5.

Q - Who was John Mayfield? A - That is my son.

Q - He is of age? A - Yes, sir, he is dead.

Q - Who was Matthew Mayfield?

A - That is my son. He is dead.

Q - Who was Nellie Mayfield?

A - That is another man's daughter altogether.

Q - Do you know any other George Mayfield?

A - I have got a son by the name of George Mayfield.

Q - How old is he?

A - About 33 or 34 years old.

Q - There is one George Mayfield on the roll from the Sequoyah district. Who is that?

A - I don't know, sir, I never was put down from the Sequoyah district.

Q - Which one is on the roll there, you or your son?

A - Both are, I think.

Q - There is one George all alone and one with John and Matthew.

A - That is my name with John and Matthew.

Q - How old are you? A - 56 or 57. I may be older. I am an old slave and I can't read or write.

Q - How big a boy were you when the war came up?

A - A good big boy, near a young man. Big enough to be a slave.

Q - Were you in the Territory during the war? A - Yes, sir.

Q - Did you go out of the Territory during the war?

A - Yes, sir.

Q - When did you come back? A - In about 1946.

Q - I don't find your name on the roll of 1940.

Q - Do you find it on the Wallace roll?

Q - I haven't looked on the Wallace roll; we are enrolling from the roll of 1940. How long have you been living in the Territory?

A - Ever since the war, directly after the war.

Q - Been residing out of the Territory [illegible] three years?

A - No, sir.

---o---

The enrollment is refused for the reason that your name is not found on the account roll of 1940.

FILED
MAY 15 1950
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Q - Were you in the Territory during the war? A - Yes, sir.

Q - Did you go out of the Territory during the war?

A - Yes, sir.

Q - When did you come back? A - In about 1866.

Q - I don't find your name on the roll of 1880.

A - Do you find it on the Wallace roll?

Q - I haven't looked on the Wallace roll; we are enrolling from the roll of 1880. How long have you been living in the Territory?

A - Ever since the war, directly after the war.

Q - Been residing out of the Territory [illegible] two or three years?

A - No, sir.

---o---

Your enrollment is refused for the reason that your name is not found on the ~~census~~ authenticated roll of 1880

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as Stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce E. Jones

B W6

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MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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MAY 11 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

A 5

CHEROKEE FREEDMEN.

Date 5/11 1900.

Name George Lucas Mayfield 56 age

District Illinois Year Page No.

Mother's citizenship ~~Dyllia~~ Cherokee freedman — Dyllia

Married? yes. Hannah. M.S.C.C.

License Certificate

Wife's name

District Year Page No.

Mother's citizenship

Names of Children:

Maurice (Morris)	Dist.	Year	Page	No.	Age 9
Luther	Dist.	Year	Page	No.	Age 12
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

FILED
JUL 7 1904
COMMISSION TO FIVE TRIBES.

I Amos Mayfield hereby constitute and appoint John H. King of Robinson my true and lawful attorney to act in my stead in all matters pertaining to my application for admission as a citizen of the Cherokee Nation and to do all things in my behalf. The same as I could do if personally present and I hereby confirm and ratify all things my said attorney may lawfully do by virtue hereof.

his
Amos + Mayfield
mark

Witness:
John H. King
Robinson

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE AMOS MAYFIELD, ET AL., as Cherokee freedmen.

It appears that the applicant, his attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and introduce further testimony in this case, touching the points mentioned in said letter; and that on said date this case was continued by agreement of the parties concerned until August 15, 1904.

APPEARANCES:
Applicant appears by attorney, James Hart.
Cherokee Nation by its attorney, James S. Davenport.

W. G. FIELDS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A W. G. Fields.
Q How old are you? A 57.
Q What is your postoffice address? A Mareford.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant in this case, George Amos Mayfield?
A Yes, sir.
Q When did you first get acquainted with him? A In the year '63.
Q You don't know them of your own knowledge whether or not he was the slave of a Cherokee citizen before the war? A This was during the war and when I knew him he was a slave and belonged to Mrs. Vick Still.
Q Vick Still? A Yes, sir.
Q During the war? A Yes, sir, in Rusk County, Texas.
Q Where was he living when you first knew him? A In Rusk County, Texas.
Q When did you first get acquainted with Mrs. Vick Still? A Ever since I could remember.
Q When did you first leave the Cherokee Nation, when the war come up? A It was either in the latter part of '62 or early part of '63, I disremember which; I think it was in the forepart of '63.
Q Was Mrs. Vick Still a recognized citizen of the Cherokee Nation when the war come up? A As to the citizenship part I couldn't say, but so far as her being recognized as a Cherokee she was recognized as a Cherokee all right.
Q Cherokee by blood? A Yes, sir.
Q Was she living in the Cherokee Nation when the war came up? A Yes, sir.
Q Did she ever leave live in the Cherokee Nation before the war to your knowledge? A I can't say.
Q Then when you first got acquainted with Mrs. Still she was living in Texas? A No, sir, when I first knew her she was up here about Stilwell.
Q In the Cherokee Nation? A Yes, sir.
Q But you don't know whether she was a Cherokee citizen or not? A No, sir, I can't say; I didn't know anything about the laws at that time; I was a boy; her mother was living in Texas, and the first I remember of him and Mrs. Still she was on a visit to see her sister.
Q Sometime during the war this Mrs. Still took this George Amos Mayfield to Texas, did she? A I guess he was taken there before the war.
Q You don't know when he first went out of the Cherokee Nation?

A No, sir, he was older than I am and I never knew him at all; I met him there in '63.
Q Do you know whether or not he ever lived in the Cherokee Nation before the war? A I couldn't say, no, sir.
Q When did you first see George Amos Mayfield in the Cherokee Nation after the war? A It must have been about '67. You see my father refugeed from here to East Texas in '63, and in the year '65 my uncle Joe Adair owned quite a number of slaves and took them to his mother-in-law's down there in Rusk County, Texas, Mrs. Sallie Mayfield and we went down there, when we get there this Amos had married one of Joe Adair's slave women, and she lived with my people after we moved down there until the close of the war, and after the close of the war Judge Adair was all broken up and he told the slaves he was all broken up and wouldn't be able to bring them back home and they would have to work their way back the best they could and Amos come to my father and asked him if he would bring he and his family back to the Cherokee Nation and told him, my father all they would ask would be some thing to eat and cheap clothing and they would make a crop for him that year, and we come as far as old North Fork down here in the Creek Nation and they stayed with us there and made a crop and along about the first days of September they had a chance of going to Fort Gibson and Amos come to my father and asked him if they had worked enough to pay for his bringing them out here and if so, they had a chance to go to Fort Gibson and father told him he was satisfied and to go when they get ready and they left there and come to Fort Gibson, and I never saw them for quite a while after that, come to Fort Gibson.
Q What time dat you say it was when they left Texas with your father? A In March '66.
Q I believe you stated awhile ago that it must have been about '67? A No, he left Texas in '66 and come to old North Fork and got there about the first days of April.
Q You say you reached this point in the Creek Nation sometime in the Spring of '66? A April '66.
Q And then he stayed with you until September of 1866 and went to Fort Gibson? A Yes, sir.
Q Then when did you next see him? A The next year, '67.
Q What time of the year? A Fall of the year, if I remember, I was down here putting up hay; I was over across the river, visiting on 14 Mile Creek and met him there.
Q Near Fort Gibson? A Yes, sir.
Q Do you know that he went to Fort Gibson when he left your father? A I heard the parties say they went and took him to Fort Gibson;; of course, I couldn't say as to that.
Q You saw him the next year near Fort Gibson? A Yes, sir.
Q Was he living there with his family? A He claimed he was living out East of Fort Gibson; I didn't go to his house.
Q Do you know where the applicant and his family have continued to live since that time? A I have seen Amos a number of times efter there about Gibson, and they lived in Illinois district and later on I saw Amos in Muskogee; he worked here.
Q You don't know anything about his belonging to Mrs. Mayfield at that time? A Yes, sir, that is my understanding, that he formerly belonged to Mrs. Mayfield, and this Mrs. Still was a daughter of Mrs. Mayfield and after her marriage to Still Mrs. Mayfiedl gave her a number of salves, and George was among them.
Q Do you know anything about who were the parents of George Amos?
A No, sir, I don't know anything about that.
Q Have you continued to know this applicant ever since you saw him in '67 in Gibson? A I have known him ever since.
Q You have seen him around often in the Cherokee and Creek Nations?
A Yes, sir.

Q Could you state whether or not he has ever lived outside of the Creek and Cherokee Nations since he returned? A Not to my knowledge I have seen him occasionally ever since.
Q You don't know whether Mrs. Still and Mrs. Mayfield were Cherokee citizens or not? A I don't know whether they were considered citizens before the war or not, but immediately after the war they moved back and lived here.
Q Were they recognized as citizens after the war? A Yes, sir.

By Mr. Hart:
Q You knew this Mrs. Still, she is a relative of yours? A Distant relative.
Q You knew her before the war? A Yes, sir.
Q And she and her mother were always so far as you know, were recognized as citizens of the Cherokee Nation?

Objected to as leading.

By Mr. Davenport: [redacted]
Commission: Objection noted; witness may answer.

Q State whether or not that is true? A As I said a while ago I couldn't say as to the citizenship, but so far as being Cherokees there was no question about that.
Q You never heard their citizenship questioned? A No, sir.
Q That applies the same to Sallie Mayfield and Mrs. Still, equally? A Yes, sir.
Q They both moved back to the country immediately after the war? A Yes, sir.
Q And they have resided here since? A Mrs. Still died; Mrs. Sallie Mayfield lived over here just beyond Fort Gibson quite a while and moved from there back to her home in Texas, and I believe she died in Texas.
Q Where did Mrs. Still die? A I don't remember whether she died, I guess she did here in Muskogee; she married this Mr. Gilmore here.
Q Your first recollection of Amos, I understand, is when Judge Adair's family brought him down to Texas? A No, it was when we first moved to Texas; he was living with one of Judge Adair's women, married.
Q Didn't Judge Adair have a brother living in the Cherokee Nation at the breaking out of the war, over near Fort Smith? A No, sir, he only had one brother that I had any recollection of, George Washington Adair, lived up here near where the Orphan Asylum burned down.

By Mr. Davenport:
Q How old were you?--A you when the war broke out? A I was about 13 years old, I think.
Q Up to the time of the breaking out of the war you never knew of your own knowledge of Sallie Mayfield or Mrs. Vick Still having a home in the Cherokee Nation, did you? A No, sir, I didn't.
Q I will ask you if it isn't a fact that Mr. Mayfield, Sallie's husband, and she moved to Rusk County, Texas, and made it their home for years prior to the breaking out of the war? A That is my recollection.
Q And if Vick Still, their daughter, wasn't raised and educated in the State of Texas before the war broke out? A That is correct.
Q Do you know whether before the war either Sallie Mayfield or Vick Stil were on the rolls of the Cherokee Nation or recognized as such by the Cherokee authorities? A I couldn't say about the citizenship, but----
Q You mean that they are Cherokees by blood? A Yes, sir, there was no question about that.
Q Don't you know, Mr. Fields, that Sallie Mayfield and her family were readmitted to citizenship in the Cherokee Nation by the Cherokee authorities after the war, when they moved back to the Cherokee Nation? A I couldn't say; I don't know whether they had made application for readmission or whether they just moved back and located

Q You do know that when you first knew them they lived in the State of Texas? A Yes, sir.
Q And owned homes and their families were there? A Yes, sir.
Q And had slaves working for them on the farms at the breaking out of the war? A Yes, sir.
Q And you never saw George Ames Mayfield in the Cherokee Nation prior to the breaking out of the war? A No, sir.
Q And so far as you know he was in Texas with his former owners when the war broke out? A Yes, sir.
Q You people started back to the Cherokee Nation before the treaty of 1866, did you? A Yes, sir, we started in March, 1866.
Q How did it happen that Judge Adair you spoke of was talking to the niggers about coming home before the treaty was made? A I suppose they were wanting to come back; he was talking about moving back and they were anxious to come home, and he just told them he was broke up and if they wanted to come, they would have to work and come back.
Q What home did they have to come back to? A I don't suppose they knew anything about the treaty.
Q They had no rights in the Cherokee Nation prior to the treaty? A No, sir.
Q And this conversation you related took place before the treaty was made? A That was in Texas.
Q Was this conversation with Ames Mayfield or not? A I guess it was to his wife; she was living with our folks.
Q Can you state now whether or not the conversation you related in your direct examination was with the applicant, George Ames Mayfield, or in his presence? A I couldn't say as to that; he didn't belong to my uncle; it was his wife.

Mr. Davenport: I make a motion to strike that part of the conversation that was related as having taken place between Judge Adair and any person other than the applicant, out of the testimony.
Commission: Motion noted.

By Mr. Hart:
Q You do recall, don't you Mr. Fields, that Ames made an arrangement with Judge Adair to come back to the Territory? A No, sir, he made that arrangement with my father to bring his family back here.
Q It was your father? A Yes, sir.
Q And they all come together to the old North Fork down here and lived there one year? You were practically one family? A Yes, sir, related; my mother was a niece of Judge Adair.
Q And this conversation about coming back home related to all the slaves of the two families, did it not?

Mr. Davenport: Objected to as leading.
Commission: Objection noted; just ask him whether or not it is true.

A I just want to state that so far as my knowledge of this conversation is concerned I wasn't present. Ames come to my father and told him my uncle had told his wife and the other darkies that if they wanted to come back to the Nation they would have to work and bring themselves back, and he told him that if he would bring his family back, they would make a crop for him and pay him for it.

By Mr. Davenport:
Q You don't know any reason why they wanted to come back? A No, sir.

(Continued until one o'clock P. M.)

One o'clock P. M.: Appearances same as forenoon; also applicant, George Amos Mayfield.

GEORGE AMOS MAYFIELD, being duly sworn, testified as follows:

By the Commission:
Q What is your name? A George Amos Mayfield.
Q How old are you? A 68 or '9 years old, I don't know exactly.
Q What is your postoffice address? A Here at Muskogee.
Q You are the person who has applied here for the enrollment of yourself and two children, Mannie and Luther Mayfield, as Cherokee freedmen? A Yes, sir.
Q Are those children living now and with you? A No, sir, they are living with their mother now.
Q Where does heir mother live? A At Vinita.
Q Were you the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did you belong to? A Mrs. Mayfield.
Q What was her given name? A That is all I know, Mrs. Sallie Mayfield.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did you go to? A Texas.
Q To what point in Texas? A I don't know the county.
Q Who were you taken out with? A Walk Mayfield and some other parties.
Q Do you remember who all were in the party? A No, sir, not all of them; there was several of them along.
Q Was Walk Mayfield the husband of Sallie Mayfield? A No, sir, that was her son.
Q When did you come back to the Cherokee Nation after the war? A Between '65 and '6.
Q Who with? A This old man here and his father and several of them.
Q Mr. Fields, who has just testified in your case? A Yes, sir.
Q To what place did you come first? A Some call it North Fork.
Q That is in the Creek Nation? A Yes, sir.
Q What time of the year? A In '65 and '6.
Q What time of the year? A I couldn't tell you.
Q Hot weather or cold weather? A It was along in the spring.
Q How long did you stay there? A During a part of the summer season.
Q Then where did you go? A To Fort Gibson and I lived there.
Q Where have you continued to live since that time? A Just backwards and forwards from one place and the other wherever good work would catch me; from here to Fort Gibson and from Fort Gibson back here, down at Webbers Falls.
Q What is the name of the mother of those children? A Her name is Maggie.
Q Maggie what? A Maggie Scott; I am wrong, her husband, she had a husband, her husband is named Campbell.
Q When you made application you stated their mother's name was Hannah Mayfield? A No, sir, I didn't; it is Maggie Campbell.
Q Is these children's mother a citizen of the Cherokee Nation? A No, sir, just their father.
Q You are the father? A No, sir, I am not the father.
Q Then Mannie and Luther are not your children? A Not mine, but grandchildren.
Q Have you got any family of your own? A No, sir, none living with me but just myself.
Q Are these children children of your son? A Children of another man's son; they are children of Ed Campbell's son, a citizen of the Cherokee Nation; he was the father of this boy that married a stepdaughter of mine.

Q The mother of Mannie and Luther was your stepdaughter? A They are my grand stepchildren.
Q Is the father of these children alive? A No, sir, he is dead.
Q Was he a Cherokee freedman? A Yes, sir.
Q When did he die? A Right at Brushy Mountain here at a man's place by the name of Gales, Charley Gales.
Q Was the father of these children the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did he belong to? A John Brown, some of them Browns.
Q Was the father of these children taken out of the Nation during the war? A I don't know; I know he was out, I don't know whether he was taken out or run away, I know he went out.
Q Do you know whether he came back to the Nation after the war? A Yes, sir, he come back after the war.
Q When did he come? A I don't know, sir, just when he did come.
Q Do you know anything about when he came? A No, sir, when he come, he come in the upper part of the Nation; I didn't know up in there.
Q How long has he been dead? A He has been dead, I guess, 10 years.
Q Was he ever enrolled on any of the tribal rolls of the Cherokee Nation? A I think his father had him enrolled; I don't know, up there in that district.
Q Do you know what district he lived in? A No, sir, I don't.
Q Did he always go by the one name that could have been given? A Yes, sir.
Q The mother of these children Mannie and Luther she was your step-daughter? A Yes, sir.
Q What was her mother's name? A Hannah Mayfield.
Q Was Hannah a citizen of the Cherokee Nation? A No, sir.
Q A state woman? A Yes, sir.
Q She is dead now? A Yes, sir.
Q What was your step-daughter's father's name? A Scott.
Q His full name? A I don't know all of his full name; he come to Fort Gibson as a soldier.
Q Was he a citizen of the Cherokee Nation? A No, sir.
Q He was a state man? A Yes, sir.
Q Then your stepdaughter claims rights in the Cherokee Nation? A No, sir.
Q She is living? A Yes, sir.
Q And these children are living with her? A Yes, sir.
Q Where is she living? A At Vinita.
Q Have these children been with her since their birth? A Yes, sir.
Q Where has she lived since the children were born? A At Vinita.
Q All the time? A I suppose so.
Q Do you know? A I suppose she has been there.
Q Do you know whether or not she has been living in the Cherokee Nation since the children were born? A No, sir, I don't know.
Q What is her present name? A That is all I can find of it.
Q What is her name now? A You will have to take her by her first name, Maggie Campbell; she has got a husband, but I don't know him.
Q Don't know his name? A No, sir, I have seen him, but don't know him.
Q Do you know where these children were born? A Right here south of Muskogee about two or three hundred yards on the east side of the railroad; I was living there.
Q What is the name of your father? A Andy Starr.
Q What was the name of your mother? A Cilla; she belonged to the Starrs.
Q Were your parents both slaves of Cherokee citizens? A Yes, sir.
Q Who did they belong to? A My foreparents belonged to Conutchie Starr.
Q Were you ever enrolled on any of the tribal rolls of the Cherokee Nation? A I think I was enrolled on the Wallace roll.

Q Is that the only roll that you were ever put on? A I think it is placed on some place else on the rolls that was taken after the citizens was all coming in home here.
Q You are not on the 1880 roll? A I don't know for certain, I know I enrolled on it.
Q On the 1896 roll? A I couldn't tell you; I think I was to the enrolling, but I don't know whether my name is safe on them all or not, I think I was to every one, I know it was on the Wallace roll.
Q Did you have any family in 1880? A Yes, sir.
Q What were the names of the family? A The woman I have died; called the name Hannah Mayfield.
Q Any children? A No, sir.
Q What district were you living in in 1880? A Fort Gibson.
Q Illinois District? A Yes, sir.
Q What name did you go by? A The name that I have already given, Mayfield.
Q George or Amos or George Amos? A Amos.
Q Were you not known then as George Mayfield? A I don't suppose I was; someone or other just put that name to me, I don't know how. My son was named the same name, both of us.
Q What district were you living in when the Wallace roll was made? A Illinois district.

By Mr. Hastings:
Q Do you remember whether you drew any money on the Wallace payment in 1890? A I did.

By the Commission:
Q You did draw money at the Wallace payment? A Yes, sir.
Q Who would you have enrolled with at that time? Did you have any family who would be on the roll with you? A I had three boys at that time.
Q What were their names? A John George and Matthew, I enrolled two of them; one enrolled himself, the oldest one.

Commission: The Wallace roll examined and the name Amos Mayfield found in Illinois district opposite No. 2755, aged 45 years at that time, enrolled alone.

Q Were you enrolled on the Kern-Clifton pay roll? A Yes, sir.
Q Did you draw money at that time? A I don't remember it; I drawed money, but it was my son's.
Q Why didn't you draw? A They had my name in different, so it was placed before me that if anyone drew money under a false name there would be something after it, and so I wouldn't take it at all. It was there for me, but I wouldn't take it that way.
Q Were you enrolled with anyone else on that roll? A None but them children.
Q What children? A Mannie and Luther, I got the name, they ought to be there whether they are there or not.
Q Did they ever go by any other name besides Mannie and Luther? A No, sir.
Q Did you ever know Etta and Fred Mayfield? A Yes, sir.
Q Who are they? A That is my son's children.
Q Have you got a son named George Mayfield? A Yes, sir, I have.
Q But you always went by the name of Amos, yourself? A Yes, sir, late years they got my name different; I don't know how it happened.

Commission: The 1880, 1896 and 1897 Kern-Clifton Pay Roll examined and neither the applicant nor the two children listed for enrollment with him identified thereon.

Q You say you didn't draw money at that time? A No, sir.
Q Nor for the children? A No, sir, didn't draw for them two; I drawed for my son.

Q Have you got any witnesses to prove that the father of these children was a Cherokee freedman? A No, sir, I aint. The witnesses that would have been is Bill Brown, who is a citizen, was a nephew of Bill Brown, a citizen of this town, a barber. I have got no witnesses for them now.

By Mr. Hart:
Q Were you acquainted with Walker Mayfield? A Yes, sir.
Q Do you know where he was living before the war began? A Redland I think.
Q Where is that? A In the Cherokee Nation.
Q Did you ever stay at Walker Mayfield's? A Yes, sir, I stayed there awhile with him.
Q Where were you when the war broke out? A I was there with Walk.
Q Where were you with Walk? A At Redland.
Q How soon after the beginning of the war did you leave there if you left at all? A A year or something like that, I guess.
Q What relation was Walker Mayfield to Sallie Mayfield? A That was her son.
Q Who was the husband of Sallie Mayfield? A She said Jesse Mayfield.
Q Do you know Vick Still? A Yes, sir.
Q Were you at any time owned by her? A I couldn't tell you who owned me particularly but the one.
Q Tell the court if there was any circumstances connected with that that would make it a question as to which one of the Mayfield family you belonged to? A It was her last words that I must always carry her name.
Q But as a matter of fact were you ever owned or in possession of different members of the family at different times? A Yes, sir.
Q And you were in the possession of Walker Mayfield at the breaking out of the war? A Yes, sir.
Q He was a son of Sallie Mayfield, residing in the Cherokee Nation?
A Yes, sir.

By Mr. Davenport:
Q Do I understand you to say that you were with Walk Mayfield when the war broke out? A Yes, sir.
Q Where? A Redland, I think they call it.
Q Where did you go during the war? A To Texas.
Q You stayed in Texas how long? A I don't know just exactly.
Q Had you ever been to Texas before the war? A Yes, sir, I had been to Texas before.
Q Did you ever know a man by the name of Doctor Howell, who was the son of Sallie Mayfield? A Yes, sir.
Q You stayed with them some? A No, sir.
Q Never stayed with Howell any? A No, sir.
Q Where were you when W. J. Mounts came to Texas after the war and rented the Mayfield plantation? A I was here at Fort Gibson.
Q You had seen Mounts before he left? A No, sir, hadn't seen him.
Q You didn't know Mounts before the war? A No, sir.
Q When did you think about the fact that you had been with Walker Mayfield when the war broke out in the Cherokee Nation? A Walk Mayfield had me with him for a race rider.
Q Did you ever testify to that before to-day? A I think I have.
Q You testified in Freedmen D 91, where Sallie Mayfield was an applicant for citizenship, didn't you? A Which one do you mean?
Q Sallie Mayfield, didn't you testify in that case? A Yes, sir.
Q Didn't you testify in that case that at the breaking out of the war that you were a slave and owned by Sallie Mayfield, a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Did you in that testimony at any time mention the fact that you were with Walk Mayfield when the war broke out? A Yes, sir.
Q You mentioned that in that statement did you? A Yes, sir.
Q Did you come back to the Cherokee Nation with Walk Mayfield?
A No, sir.

Q What become of him? A He is dead.
Q Did he ever come back to the Cherokee Nation? A Yes, sir, he married Blackburn's daughter.
Q When did Walk come back? A You can't get that out of me, I aint educated.
Q You don't have to be educated to tell when you come back? A No, sir.
Q You didn't have to be educated to change your owners? A I didn't say anything like that.
Q Who did you belong to? A I considered I belonged to Sallie.
Q Sallie was living and had been for 20 years before the war broke out, in Texas? A I couldn't tell you that.
Q Where were you living when you first remember? A With Caleb Starr, Sallie's brother.
Q Where did he live? A In Flint distfict.
Q Do you know E. E. Starr? A No, sir.
Q Did you know Col. Bell here? A I recollect him a little.
Q When did you see him first? A I don't know whether it was here or at ~~Baxkingxak~~ Fort Gibson.
Q Did you ever see him in Texas? A I may have; I saw his brother there.
Q Did you see Zeke Starr in Texas? A Yes, sir, I have.
Q Before or after the war? A Before the war.
Q Didn't you see him there after the war? A No, sir.
Q He was living in Texas until after the war, wasn't he? A I think so.
Q Sallie Mayfield was his own aunt, wasn't she? A Yes, sir.
Q Caleb Starr, was he living in Texas before the war? A No, sir.
Q When was it you were living with Caleb Starr? A When I was small
Q About how old were you? A I reckon I was 6 or 7 years old.
Q Was that before Mrs. Mayfield went to Texas? A I don't know when she went to Texas.
Q Do you know where you were born? A At Caleb Starr's in Flint.
Q How old are you now, do you know? A In the neighborhood of 68 or '9, maybe 70, I don't know.
Q Do you know what year Mrs. Mayfield went to Texas? A No, sir.
Q She went there several years before the war? A I couldn't tell you.
Q You were on her plantation? A Yes, sir.
Q You helped make several crops down there? A No, sir, not that I know of particularly, I can't tell you that, I always---
Q You were there for several years before the war with Mrs. Mayfield A Yes, sir, I have been in there and been out.
Q And she owned you at the time of the breaking out of the war, Sallie Mayfield? A Yes, sir.

By Mr. Hart:
Q What was your particular occupation, or what di you do usually?
A Principally stock gatherer, race rider and such.
Q What did you do for Walker Mayfield? A Race rider.
Q Did he keep race horses? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.

Mr. Davenport: We object to any further interrogation as to vocation or for whom he was working, as applicant says he was owned by Sallie Mayfield at the breaking out of the war.
Commission: Objection noted.

Q I will ask you if as a matter of fact if you were not given to various members of the Mayfield ~~xx~~ family at different times?

Mr. Davenport: We object to that question as leading, suggestive and not cross-examination of any matter brought out by the Cherokee nation.
Commission: Objection noted.

Q You state what the fact was, Amos, about your being in the possession of different members of the Mayfield family?

Mr. Davenport: Objected to on the grounds he has no right to state the facts; he can state to whom he belonged and give names of them.

Commission: Objection noted.

A As far as my memory will lead me I think I belonged to Miss Sallie Mayfield, as near as I know, I was changed from family to family, I don't know.
Q What do you mean by changed from family to family? A One while I would live with Vick.
Q Who was Vick? A Mrs. Sallie's daughter. One while I would stay with Walk.
Q Who was Walk? A Mrs. Sallie's son.
Q And so far as you know you were owned and under the direction of these various members of the family during the time that you were with them?

Mr. Davenport: Objected to as leading and suggesting absolutely the answer to the witness, and then again, it is not cross-examination of any matter brought out by the Cherokee Nation.
Commission: Objection noted.

Q State now under whose control you were at the breaking out of the war of the rebellion?

Mr. Davenport: Objected to. The only question in this case is to whom he belonged and not under whose control.
Commission: Objectmtion noted.

A Mrs. Sallie Mayfield.
Q I mean at the breaking out of the war? A Walk at the breaking out of the war, he had charge of me then.

By the Commission:
Q Do you want your name to go down on the Commission's records as Amos or George Amos? A I don't want the George to it. I want it Amos.
Q You just simply want it to go on the records as Amos Mayfield?
A Yes, sir.
Q You are not George, but Amos? A Yes, sir, I have a son by the name of George.

By Mr. Davenport:
Q When was it you were under Vick's control and who was there at the time you were with her? A She had a man by the name of Still.
Q He lived where? A I don't know what mountains they were.
Q You know he lived in Texas? A Yes, sir, that is all I can say.
Q When were you under the control of this other daughter and what was her name? A One was Gunney.
Q Who did she marry? A A man by the name of George Walsh.
Q He was a physician, wasn't he? A What do you mean?
Q Practicing medicine? A I don't know.
Q How long did you stay with the girl that married him? A I didn't stay long.
Q About how long? A I don't know whether it was one summer season or a year or six months.
Q He was living where when you were staying with them? A I don't know the name of the place.
Q Was it in Arkansas or Texas? A Arkansas, I reckon.
Q When was it with reference to the breaking out of the war that you were with Walk Mayfield? A I don't know whether it was '62 or '3.

Q Do you think it was as late as '62 or '3? A I think so.
Q You were about how old when you were with Walk Mayfield? A I don't know whether it was 12 or 13 or what.
Q Was it before or after he married? A After he married.
Q Do you remember about Walk Mayfield going to Texas one trip and staying there before the war? A No, sir.
Q How many girls has Sallie Mayfield other than the two you have mentioned? A I can't tell you; I can call the names, Nep, Nancy, and Emily and Vira and Bunny and Vick, them is all I can remember, seven, I think.
Q Mrs. Sallie Mayfield lived in Texas and owned a farm there when she owned you, didn't she? A I reckon so.
Q She didn't own a farm in the Cherokee Nation at that time? A Not that I know of.
Q She didn't have any property in the Cherokee Nation at that time ~~xxwhile~~ while she was living in Texas, did she? A Only horses and cattle that I know of.
Q Do you know that Mrs. Sallie Mayfield owned any property in the Cherokee Nation from the time she went there in 1847 or '8 up to the time that she returned to the Cherokee Nation in 1867 or '8? A I know she had cattle on the Illinois in the Cherokee Nation.
QWho had them in charge? A Cale and Charley Starr.
Q What year was it she had these cattle there? A I don't know.
Q Do you mean to say that she kept cattle there on the Illinois for 20 years, while she was in Texas? A I know I gathered cattle for her.
Q When did you gather cattle for her while she was in Texas? A I gathered cattle for her all the time in both places.
Q Did you gather cattle for Mrs. Sallie Mayfield from 1847 or '8 up to and including 1867, in March, in the Cherokee Nation? A I didn't gather any in March, in the Cherokee Nation.
Q I mean during that 20 years? A Yes, sir.
Q What years was it and where were the cattle? A On the Illinois river.
Q Are those the cattle you spoke of being in Charley and Cale Starr's possession? A Yes, sir.
Q Don't you know that Mrs. Sallie Mayfield and the children that she had then sold everything they had in the Cherokee Nation both personal and improvements upon the land in 1847 and moved to Texas and bought their farms there and lived there up until 1867? A They might have I don't know.
Q How could you have gathered cattle for them if you don't know? A I don't know the ~~xxxx~~ dates; there is where you can get around me, if I knew the dates I could tell you.
Q You have already answered me that you gathered cattle for them while she was living in Texas? A Yes, sir.
Q Did you gather any cattle for her while she was living in Texas, as you say you did, in the Cherokee Nation? A Yes, sir.
Q Where were they located? A On the Illinois, I don't know the place exactly.
Q Can you name anyone who lived near where the cattle were ranging? A No, sir.
Q How far were they from Tahlequah? A It was away down the river like you were going to Fort Smith, I don't know how far.
Q How far were they from Dr. Campbell's place? A Up above there.
Q How far from Greenleaf? A It was, I don't know, sir, it was east of Greenleaf, southeast of Greenleaf.
~~Q--How could you have gathered cattle for them if you don't know?---A----~~
Q How far from the Walkingstick place? A Somewhere about the neighborhood.
Q You were there gathering them and ought to know? A I got them; I don't know particularly; they scattered about so we went every direction to get them.

Q Mrs. Mayfield was in Texas while you were here gathering these cattle? A Yes, sir, and then she came from Texas.
Q What did you do with the cattle? A I don't know.
Q You know what you did with them? A I put them where they could get them.
Q Where was that? A In some man's lot; I don't know.
Q You didn't put cattle in a man's lot that you don't remember the name of him? A Yes, sir, it was a long while ago.
Q Was it on the west side or the east side? A On this side.
Q Who received the cattle from the pens? A I think Charley and his father.
Q Do you know? A Yes, sir, they were the ones.
Q How many cattle did you gather? A I don't know how many there was.
Q One or more? A A good many head, I don't know, might have been.
Q How many were there, not what might have been? A I don't know any particular number; I will say a hundred head, or them, I reckon. I will ask you if all of this transaction didn't take place after the war and after Sallie and Walk Mayfield returned to Saquoyah district A No, sir.
Q And wasn't she and Walk Mayfield then living near where the town of Muldrow is now located, at the time you gathered these cattle? A I reckon so.
Q Didn't the cattle run on what is known as Sallisaw Creek, instead of Illinois River? A You are right.
Q The Sallie Mayfield that you have testified about, who was she?
Q She belonged to the same people I did.
Q What relation is she to you, if any? A A cousin of mine, I guess. When all these people went south long before the war, I didn't go with them.
Q Since you thought it was Sallisaw Creek, instead of Illinois River, you are positive now that it was after Mrs. Mayfield returned from Texas that you gathered them? A I don't know; I won't talk any more on that.
Q She was living there near Muldrow? A Somewheres down there.
Q She was living down there? A I don't know whether it was there or in Flint.
Q Did she ever live in Flint after the war? A No, sir, she lived out this side of Gubbequah.

By the Commission:
Q When you came back from Texas did you have any family? A No, sir.
Q Just alone? A Just alone.
Q When the 1880 roll was made, did you have any family? A Yes, sir.
Q Give the names of your family at that time? A The woman I had at that time, her name was Susie.
Q Was she a citizen? A Yes, sir.
Q Did you have no children? A She had four.
Q What were their names? A One was named Lizzie and one was named Nellie, one was name Mary, one was named Dick.
Q That is all the children you had? A That is all she had; me and her had one.
Q Did you have any? A I had one.
Q What was its name? A Drew.
Q That is all the family you had in 1880? A Yes, sir.
Q In your original application you stated that you had three children, one named John and one Matthew and one named George, is that true or not? A Did you say 1880?
Q Yes, sir, that was about 20 years ago? A I had more children than that I had.
Q How many have you living now? A One.
Q What is his name? A George.
Q Have you had any others? A Yes, sir.

Q Name them? A Sarah Ruth, Minnie, Ida, Tom.
Q Is that all the children you ever had? A They are the children that died and I had three others.
Q What were their names? A John and George and Matthew.
Q How old are they now, can't you tell? A No, sir.
Q Give any idea? A I can tell about the eldest boy, I believe, as near as I can——
Q That is George? A Yes, sir.
Q How old is he? A Somewhere in the neighborhood of 40 or 44.
Q You stated awhile ago that you didn't have any family when you came back from Texas with Mr. Fields? A I couldn't consider them.
Q Did you have any children? A We had some together, some died.
Q George? A Yes, sir, a baby at the time.
Q Were these three boys living with you when-you in 1880? A Yes, sir, must have been.
Q Do you know how old they were then? A No, sir.
Q Did you try to have them enrolled in 1880? A Guessed that I did.
Q You don't remember? A No, sir, not exactly; I don't remember how everything passed off, but I knew I went to the enrollment in 1880, but how the matters was fixed and how I did that slipped my memory.
Q Are these boys about the same age or somewhere near it? A Yes, sir, a year'sdifference; the eldest is about two years between him and the next one.
Q Then was there any child between John and Matthew? A No, sir, there is about a year and a half difference between them.

Commission: On the 1880 authenticated Cherokee roll, in Illinois District, are found together the names of George, John and Matthews Mayfield, adopted colored, ages 14, 12 and 8, respectively, appearing opposite Nos. 1276, 1278 and 1280, respectively. These three children are enrolled by themselves.

Q Are these children, John, George and Matthews, your own children or your stepchildren? A My own.
Q What is the name of their mother? A Susie.
Q Is she a citizen? A Yes, sir, Judge Adair owned her.
Q How long has she been dead? A She has been dead, I reckon, somewhere in the neighborhood of 26 or 27 years, I reckon. I could not tell, but I just guess at it about that.

JOSHUA ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joshua Ross.
Q How old are you? A 71 years old.
Q What is your postoffice address? A Muskogee.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.

By Mr. Hart:
Q You are acquainted with Ames Mayfield? A Yes, sir.
Q How long have you known him? A Positively I have known him since '75.
Q Does your recollection go back any further than that? A It might, but I am not positive. I know I became acquainted with him in '75.
Q Did you know the Mayfield family? A Yes, sir, Walker.
Q Did you know Sallie Mayfield? A I used to know, I suppose it was her husband, Mayfield, who went to Texas sometime before '80.
Q Do you know whether or not the Mayfields were Cherokee citizens at the breaking out of the war? A Walker was.
Q How about the others? A Mrs. Adair was.

Mr. Davenport: We object to testimony as to the citizenship of

of any other than Sallie Mayfield through whom the applicant claims.
Commission: Objection noted. Witness may answer.

A I don't know that I ever met Sallie Mayfield, but I used to know the Mayfields, I suppose that was them; he was a merchant, and I knew Walker Mayfield.
Q Knew him at the breaking out of the rebellion? A Yes, sir.
Q Was he then a Cherokee citizen? A Yes, sir.
Q And about the other Mayfields, do you know whether or not they were citizens at the breaking out of the rebellion? A I don't know about that; they were Cherokees I know.
Q Do you know where Amos Mayfield has lived since you knew him?
A He has lived here at Muskogee.
Q You have seen him often and on during all this time? A Yes, sir.

By Mr. Davenport:
Q Is he living in the Creek Nation or Cherokee Nation? A Creek Nation.
Q Was he living in the Creek Nation in '75, when you first got acquainted with him? A He was living here; he came from the Cherokee Nation.
Q Did you ever know his owner or his former alleged owner, Sallie Mayfield? A No, sir, only I heard there was such a person and knew her husband, Mr. Mayfield.
Q Did you know what his name was? A I don't remember; I know he was a merchant.
Q Was that before or after the war? A Before the war that I knew him.
Q How long before the war? A Must have been about '45 or '6, he was trading them on Sallisaw.
Q Sallisaw creek? A Yes, sir,
Q Did he continue there or sell out and move? A Continued there until he went to Texas.
Q Do you know about what year he went to Texas? A About '47 or '8, I don't know exactly.

By Mr. Hart:
Q At the time you knew Sallie Mayfield's husband he was a citizen of the Cherokee Nation, was he? A Yes, sir.

By Mr. Davenport:
Q That was before they went to Texas in 1847 or '8? A Yes, sir, 1845 or '6.

W. J. MOUNTS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A W. J. Mounts,
Q How old are you? A I will soon be 72.
Q Are you a citizen by blood of the Cherokee Nation? A No, sir,
Q State man? A Yes, sir.
Q Do you know the applicant in this case, George Amos, better known as Amos Mayfield? A I knew of an Amos Mayfield in Texas; it has been a long time ago; I would hardly know him now; he was young.

By Mr. Davenport:
Q Where were you living when the war broke out? A In Kentucky.
Q Did you move to any other state after the close of the war?
A Came to Kansas City just after the war.
Q Then where did you go? A Directly from there to Texas.
Q To what part of Texas? A From here to Tarren County and from there to Cass.

Q Did you ever know Mrs. Sallie Mayfield? A Yes, sir.
Q Where did you know her? A I knew her in Rusk County, Texas.
Q Did you have any dealings with her? A Yes, sir.
Q What was that, Mr. Mounts? A I rented her farm and bought all her cattle and hogs and what farming implements she had on the farm.
Q That was in Texas? A Yes, sir, in Rusk County.
Q When was that that you did this? A About the 10th of January, 1867.
Q Where was Mrs. Mayfield living at that time? A On the farm.
Q Did she move away after that, if you know? A Yes, sir.
Q Did you learn where she went to? A She went to Sequoyah district about where Muldrew now is or between Muldrew and the old trail that used to run through.
Q Sequoyah district, Indian Territory? A Yes, sir.
Q Was any of the slaves there when you went to the Mayfield farm in 1867? A I couldn't say only for one; there was two, I bought brought the man that belonged to some of the Thompsons; he drove my team here and then I brought one of the Mayfield men with me.
Q Did you know any of the names of the slaves around there? A Some of them, yes, sir. It has been a long time; I brought a young fellow through that looked to be about 20, they called Amos Mayfield.
Q Where did he stay the most of the time when you went there? A The first I knew of him he was at Dr. Howell's about 1 1/2 miles from there.
Q What relation were Mrs. Mayfield and Howell? A Said to be a son-in-law.
Q Did Amos stay there during the year 1867 or not? A I would not be positive, I don't know.
Q Did you ever know any more of the Mayfield family? A Yes, sir, I knew her sons, Walter and Walk, they came with the old lady to the Cherokee country.
Q When did Walk and the mother, Sallie, leave Texas to come to the Nation? A In March.
Q Of what year? A 1867.
Q Did you ever see them after your return to the Cherokee Nation? A Yes, sir, I met them both after I come back here.
Q Have you ever seen Amos, the colored fellow, after you came to the Cherokee Nation? A Not to know him I haven't.
Q Walk Mayfield came with his mother to the Cherokee Nation after the war? A Yes, sir, they came by wagon up what is called the Texas trail.
Q When you went to Texas in January, 1867, where was Walk Mayfield living, if you knew? A I couldn't tell you exactly; it has been so long, but it was three or four miles from the old lady's, rather in the direction of Red river.
Q You remember the dates by reason of the fact that you bought out the old lady's property there? A Yes, sir, I remember very distinctly.

By Mr. Hart:
Q Were you acquainted with the family of Judge Adair? A Not until after they came away.
Q They had left before you got there? A I think so.
Q Were you acquainted with Richard Fields? A After he came to this country.
Q He had left before you got there? A Yes, sir.
Q This Amos that was down there, you have never seen him before or since? A There was a young fellow there they called Amos, but I wouldn't know him now.
Q If this Amos Mayfield, the present applicant, had left there with the Adair and Fields family, it wasn't the Amos that you saw there in 1866? A No, sir.

L. B. BELL, being first duly sworn, testified as follows:

By Mr. Hastings:
Q What is your name? A L. B. Bell, 65 years old, and my postoffice is Vinita, Indian Territory.
Q You are one of the representatives of the Cherokee Nation, are you? A Yes, sir.
Q You have heard the testimony here of Amos Mayfield-and to the fact that he belonged to Sallie Mayfield before the war, have you? A Yes, sir, I heard that.
Q Did you know the Sallie Mayfield to whom he referred? A Yes, sir, I was acquainted with her.
Q Do you know where she was living when the war came up? A She was living in Rusk County, Texas, near a little town called Belleview
Q Do you know how long she had been living there? A Since about '47.
Q Her husband was named Jess Mayfield? A Her husband was named Jesse Mayfield.
Q Do you know whether they resided there continuously from 1847 until after the war? A Yes, sir, a colony left here, Jess Mayfield, George Starr, John Harnage, George Harnage, and Franklin Thompson, they all went.
Q Did Jess Mayfield and his wife buy and own property in Texas before the war? A They took a big wad of niggers there and bought land.
Q They owned homes and farms? A Yes, sir, they owned farms.
Q Do you know whether or not Walk Mayfield was with them? A Yes, sir, he went with them, he took his entire family, sold his place out to Gale Starr, I believe it was.
Q You mean he sold his place in the Cherokee Nation to Gale Starr? A Yes, sir, he moved out of the Cherokee Nation the year before to Cane Hill, Arkansas, and went from there, from Cane Hill, Arkansas, out there; he lived right in the brake; right in Cane Hill.
Q Right in Cane Hill? A Yes, sir, and went from there to Texas. Jess Mayfield, himself, the old man, died in '87, two or three years before the war; we all belonged pretty much to the same family; we were all kin folks, the whole outfit that went down there. There was two Jess Mayfields went down there, the old one and young one.
Q Father and son? A No, sir, uncle and nephew, both white men; that young Jess married Miss Adair here and they separated and he went to Texas.

By Mr. Hart:
Q How old are you Mr. Bell? A I was 65 awhile ago, I guess I am; maybe a little older.
Q And you remember very distinctly when all these Cherokees left the Cherokee Nation? A Yes, sir, pretty well.
Q How old were you then? A I must have been eight or nine years old.
Q That is about 56 or '7 years ago? A Just take away 7 or 8 from 65 and you will have it.
Q You remember all the circumstances about them selling out and going to Arkansas and coming back and selling out his? A No, I didn't say he came back and sold his place. It was general rumor there that Gale Starr bought the place.
Q Isn't it a fact that the major portion of your testimonyabout the things that occurred there is rumor? A I am telling you what is rumor and what is fact.
Q I am asking you if it isn't rumor? A It isn't rumor that Gale Starr bought the place and lived [illegible]-it-isn't-rumor on it; and it isn't rumor that [illegible] Mayfield moved to Cane Hill, Arkansas, and it is not rumor that he went off to Texas in a year or so and it is not rumor that he lived and died there.

Q Were you living in Texas at the time? A Yes, sir most of the time. My folks moved there and we had a plantation there; I stayed there three years.
Q During what period? A '53, '4 and '5.
Q You were about? A 14 or 15 years old.
Q How far did you live from where the Mayfields lived? A About five miles; we had the same postoffice.
Q Then you came back to the Cherokee Nation and remained here ever since? A No, sir, I came back and stayed a year or two and went back.
Q During the war? A No, sir, I went there about twice before the war and come back and when the war come on I moved my family there down to my home, and I lived there the balance of '62 '3 '4 and '5 and ,6.
Q The Mayfields left here along in 1847? A About.and
Q And the old man died there in 1856? A '57, I think it was.
Q You answered Mr. Hastings that Mr. Mayfield and Mrs. Mayfield all located down there, do you know anything about Mrs. Mayfield buying land there? A She come in possession of land there and under the laws of Texas she had a pretty goo hold on what Mayfield bought.
Q Answer my question? A I don't know that they bought land; they acquired it and had possession of it, and she told me she had sold it.
Q Did you know Mrs. Mayfield before she left the Cherokee Nation? A I have known her ever since I can recollect.
Q Was she a Cherokee citizen? A She was a Cherokee, I suppose she was a citizen when she was here.
Q Walker Mayfield, how long did he remain in Texas? A He come back here probably in 1855 or '6, somewheres along there, and married old Dick Blackburn's daughter, down here on the river.
Q And made his home there? A Yes, sir, up until the war, I guess. I saw him in '61 or '2.
Q Went to Texas again about 1862? A Probably in the winter of '62.
Q You were not living in Texas after the close of the war , were you? A Yes, I was in the Confederate Army for about four years; and in '65 we broke up there and quit.
Q Do you remember the time when Judge Adair and Richard Fields left Texas for the Cherokee Nation? A I think it was along in '66 they left; they lived five or six miles from me; it seems to me that it was a while before I left.

EZEKIEL E. STARR, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ezekiel Starr, Ezekiel E. Starr.
Q How old are you? A 56.
Q What is your postoffice address? A Tahlequah.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant in this case, Amos Mayfield? A No, I don't know him.
Q Did you ever know him? A I don't recollect.

By Mr. Davenport:
Q Where were you living before the war? A In Texas.
Q Did you ever know a Mrs. Sallie Mayfield and her husband before the war, the one that had a daughter named Vick and a son named Walker? A Yes, sir, she was an aunt of mine.
Q Where did she live from where you lived in Texas? A About six miles sorter southeast of where I lived.
Q Where was she living at the breaking out of the war? A There in Rusk County, Texas.

Q Do you know about how long she had been living in Texas? A I was born there in 1849 and my understanding from father was that they come there in 1847.
Q Had she been living in Texas since you could recollect? A Yes, sir.
Q Do you know whether or not they owned a plantation there and had personal property there in Texas there before the war? A Yes, sir.
Q Do you know whether or not they had any property in the Cherokee Nation before the war, after they moved to Texas? A No, sir, I don't know.
Q Do you know whether or not they had owned property here and disposed of it? A I had always been told that they owned property here and sold it before they went to Texas.
Q Do you know after you get big enough to recollect of their having property here during the time they lived in Texas? A No, sir, I don't know of their having any.
Q Did they have slaves in Texas? A Yes, sir, a good many.
Q Do you remember the names of any of them? A Some of them I remember.
Q What were their names? A She had some niggers, had two named Bob, had a Jonas, and I don't remember all their names; I was small then; she had several niggers, though.
Q Do you know when she came back to the Cherokee nation after the war? A Not exactly, my recollection is she came back about 1867.
Q Did you know whether or not she was a recognized citizen when she came back to the Cherokee Nation? A I don't know.
Q Do you know whether or not she ever applied to be readmitted after she came back?

Mr. Hart: We object to that.
Commission: Objection noted.

A No, I don't know.
Q But to your knowledge Sallie Mayfield and her husband were living in Texas when you could first remember? A Yes, sir.
Q And you were born in what year? A 1849.
Q Was her husband living at the breaking out of the war? A No, sir, he was dead.
Q What was her husband's name? A Jess Mayfield.

By Mr. Hart:
Q Where were you born? A I was born in Texas.
Q And your first recollection would not be much prior to the war, would it? A I was born in 1849.
Q You would be about 10 or 11 years old, and that would be about the first time you could recall anything clearly, wouldn't it? A No, sir.
Q How far did you live from the Mayfields? A About six miles.
Q And by that you know that they were living in Texas from the time you recollect up until the war? A Yes, sir.
Q Your recollection wouldn't begin earlier than when you were five or six years old? A Of course I can recollect---
Q That would be about 1854 or '5, when your recollection commenced? A Yes, sir, somewheres along there.
Q How long after that did Jess Mayfield die? A I don't know just when he died.
Q Did you know Walker Mayfield? A Yes, sir.
Q Do you know when he came back to the Cherokee Nation? A No, sir.
Q The Mayfield's may have had all kinds of property up here in the Cherokee nation so far as you know? A I never heard them say they had any.
Q And you never heard them say they hadn't any? A No, sir.

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DEC 16 1904
COMMISSION TO FIVE TRIBES.

recollect Mr. [illegible]
Q And that is all you [illegible] A Yes, sir.

By Mr. Davenport:
Q Your recollection is not so hazy that you can't remember that you were living in Texas or the Indian Territory--I mean the war broke out? A I know we lived in Texas.
Q And the family had been living there for several years before the war? A Yes, sir.
Q Do you know whether or not Sallie Mayfield owned any slaves at the breaking out of the war? A Yes, sir, she owned several of them.

By Mr. Hartz:
Q So far as you know some of them might have been in the Indian Territory? A I don't suppose they are.

Commission: Continued by agreement until September 21, 1904.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this 16th day of December, 1904.

Notary Public.

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COMMISSIONER OF THE FIVE CIVILIZED TRIBES

Cherokee Freedmen R-5

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 18, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of George Amos Mayfield, et al., as Cherokee Freedmen.

It appears that the app icant, his attorney and the attorney for the Cherokee Nation were duly notified by letter, on October 14, 1904, that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, and introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

APPEARANCES:
Applicant appears by his attorney, James Hart.
Cherokee Nation by W. W. Hastings.

W. T. HARNAGE being duly sworn, testifies as follows:

BY W. W. HASTINGS:
Q What is your name? A W. T. Harnage
Q What is your age? A I am fifty-seven years old.
Q Your postoffice? A Tahlequah.
Q Are you a Cherokee citizen by blood? A Yes,sir.
Q Did you ever know a colored man by the name of George Amos Mayfield? A Yes,sir.
Q Do you know where he lives now? A No, sir, I do not.
Q Do you know that George Amos Mayfield used to be up around Fort Gibson? A Yes,sir, he was living there the last time I knew him.
Q He was the only colored man you ever knew by that name?
A Yes,sir.
Q Did you know Walker Mayfield, who was a Cherokee, during his lifetime? A Yes,sir.
Q Do you know his mother's name? A Walker Mayfield's mother's name?
Q Yes,sir? A Her name was Sallie Mayfield.
Q Where was Sallie Mayfield living when the war come up?
A In Texas.
Q How long had she been living in Texas? A She had been living there quite a number of years, I don't remember just how long.
Q From your information, and from what you know of your family history, how long had she been living there?

BY MR. JAMES HART:

Objected to as being incompetent with reference to family history.
COMMISSION:
Objection noted. Witness may answer.
Q What is your recollection? A About how long she had been there?
Q Yes,sir? A Well, she was there when I can first recollect.
Q Was she related to you?

A Yes sir.

Q What relation A My grandmother
Q She was your grandmother? A Yes,sir.
Q Well, now, what is the family history with reference to the time she went to Texas.

Objected to as incompetent
Objection noted.

Q About how many years before the war would your answer to that be You say she was there from your earliest recollection?
A Well, she must have went there some time about '47
Q That was before you were born? A Yes,sir
Q And she was there from your earliest recollection?
A Yes,sir.
Q Did she own any property in the State of Texas? A Yes,sir
Q What? A She owned land and negroes and mules, lived there and farmed there.
Q You say she owned a farm in the state of Texas ? A Yes,sir.
Q And she lived there continuously from your first recollection up to before the war? A Yes,sir
Q Did she own any personal property in the state of Texas.
A Yes,sir
Q Was she recognized as a citizen of the State of Texas when the war came up.

Objected to by attorney for applicant.
Objection noted. Witness may answer

Q Answer my question ? A Yes,sir, I think she was.
Q You knew George Amos Mayfield when the war came up?
A He belonged to my aunt, Elvira Howell.
Q What relation was she to Sallie Mayfield? A Sallie Mayfield's daughter.
Q With reference to the war where did she live? She lived there in Texas
Q You know whether or not she was married before the war?
A Yes,sir.
Q How long before the war? A Well, I can't state exactly how long; several years though, I think,before the war.
Q Was her husband a citizen of the State of Texas? A Yes,sir. Was she married in Texas? A Yes,sir.
Q What was the occupation of her husband? A He was a doctor.
Q Lived in town or in the country? A Part of the time he lived in town and part of the time he owned a farm.
Q Did he and his wife own property, own farm lands in the State of Texas prior to the war? A Yes,sir.
Q Was his wife recognized as a citizen of the state of Texas as well as himself? A Yes, sir.
Objected to by attorney for applicant as calling for a conclusion.
COMMISSION: Objection noted.
Q Were you in Texas prior to the war? A Yes,sir.
Q Did you know George Amos Mayfield, this slave, down there before the war? A Yes,sir
Q You were acquainted with him? A Yes, sir.
Q Was he there when the war came up? A Yes,sir
Q Was he there the slave of Elvira Howell? A Yes sir.

BY MR. HART:

Q Mr. Harnage you were eleven years old when the war broke out?
A I don't recollect.
Q You are fifty-seven now? A Yes,sir.
Q That would make you thirteen, now how old were you when the war broke out? A Well, I was born in '47

BY COMMISSION:
Q What time of the year? A In July.

BY MR. HART:
Q Mr. Harnage, how far did you live from the Mayfield family.
A A mile and a half.
Q Who was the husband of Sallie Mayfield? A Jess Mayfield
Q When did he die, with reference to the war? A Well, he died some time before the war.
Q How many years? A I can not answer that.
Q You remember when he died don't you? A Yes,sir
Q You were large enough to remember that? A Yes,sir
Q Don't you know, as a matter of fact, Mr. Harnage, that the personal and real property of his estate was not divided at all?
A Yes, it was divided after his death.
Q Immediately? A Well, I don't recollect how long; I knew it was divided.
Q Do you know Walker Mayfield? A Yes,sir.
Q Where was he living before the war broke out? A Over here in the Cherokee Nation.
Q Near Fort Smith? A Yes,sir.
Q He owned some slaves over there? A Yes,sir.
Q He was a recognized Cherokee citizen, was he not? A Yes,sir
Q Do you know whether Uncle Amos Mayfield lived with Walker Mayfield at any time after the death of Jess Mayfield?
A I do not recollect that he did.
Q As a matter of fact you don't recollect anything about that?
A I know that he lived with my aunt, there in Texasm about a mile and a half from home.
Q Your aunt was Mrs. Howell? Was there not another daughter of Aunt Sallie Mayfield, what was her name? A Had one by the name of Emily.
Q Was she married at the time of the war? A She was married quite a while before the war.
Q Walker was married? A Yes,sir.
Q Was there any other daughter? A Yes, Victoria.
Q Was she married? A Yes,sir.
Q Now, is not it true that the slaves were part of the time with one of these children and part of the time with another of them; that as a matter of fact it would be impossible for you to tell at this time who they actually belonged to when the war broke out? A They were divided up before the war, and everyone had his own slaves.
Q How many did Aunt Sallie have when the war broke out?
A I don't know exactly how many.
Q How many did this Howell woman have. A I recollect she had two or three families, I don't know ~~as~~ just how many.
Q What were their names? A I can not mention all of them by name, part of them I can.
Q Name them? A Sallie, Mayfair, Emberry
Q How far did she live from where Aunt Sallie lived? About a mile.

Q Did the slaves go back and forth, working on both places?
A I don't think they did.
Q What slaves did Aunt Sallie have after they were divided?
A She had several; I can't recollect all of them.
Q How many can you recollect? A Bob, Phyllis, Isom, Jonas--that is about all I can call right now.
Q Do you remember the time when the slaves were divided?
A Yes,sir.
Q Now, can you give the slaves that were given to each of the children, the names of the slaves. A No, sir, not all of them
Q Can you give those that were given to Walker?
A I can give the names of the heads of the families, I think
Q The heads of families are about all you can recollect?
A I can remember some of the others, those about my size.
Q Amos was not the head of a family? A No, sir.
Q He was larger than you? A Yes,sir.
Q Older than you? A Yes,sir.
Q Old enough to work in the fields? A Yes,sir
Q Quite a race-horse rider wasn't he?
A I never knew of him being a race horse rider.
Q Do you remember of Walker keeping a number of runnin horses?
A Yes,sir.
Q Do you remember who took care of them? A No, sir, I don't.
Q Do you remember who rode them? A No, sir. Walker Mayfield was living down here in the Nation.
Q Well, you were back and forth, weren't you, visited back and forth? A We made one visit, I think out here.
Q But I am speaking of the family, they visited didn't they, Sallie Mayfield and her family? A Not that I recollect; they may have, but I don't recollect , I don't think they did.
Q Isn't it true that your recollection of things that occurred prior to the war are rather hazy at this time?
A I think I recollect about these people there because we lived right there with them.
Q You lived how far from Howell's? A About two miles.
Q And how far from Aunt Sallie's? A About a mile and a half.
Q And yet you cannot give the names of the slaves except the heads of families. A No, sir.
Q Now, is it not a fact that these heads of families are in your recollection because you have talked it over, talked of those who were heads of families? A I have talked about them some.
Q Now, you told Mr. Hastings that Aunt Sallie was a citizen of the State of Texas when the war broke out; upon what do you base that answer? A That she was living there and owned property there.
Q Did that make her a citizen in your opinion? A Yes,sir, I think so.
Q That she lived there and owned property? A Yes,sir.
Q And that was what you meant when you said that her daughter was a citizen of the State of Texas? A Yes,sir, she lived there.
Q That she lived there and owned property there? A Yes,sir.
Q Do you know whether she had any property up in the Cherokee Nation? A She did not own any property in the Cherokee Nation.
Q Did Sallie Mayfield own property in the Cherokee Nation before the war? A No, sir.
Q Now, you say no, sir, how do you know that?
A Well , they sold out back here.
Q What did they sell here? A Their place.
Q Who told you that? A I heard my father and my grandmother talk about that.
Q You heard your father and your grandmother say he had sold his place in the Cherokee Nation, did you? A Yes,sir.

Q You recollect hearing that before the war? A Yes,sir
Q Now, is not that something that occurred after the war when you heard your father discussing your return to the Nation?
A No, sir, he sold out to a man who came to Texas and made a payment on it to my father.
Q Do you recollect that as an actual circumstance? A Yes, an actual cirsumstance; the man that bought father's place brought a drove of mules to Texas, and father sold him that place for a part of the mules.
Q Then the place was not sold until after you went to Texas?
A My father's place, no sir.
Q How long before the war A It must have been just before the war, just before the war.
Q Three, four five years? A Two or three years before the war.
Q Two or three years before the war when you sold your place? A Yes,sir
Q You never knew of anybody bringing mules down to pay on Aunt Sallie's place? A No, sir.
Q You don't remember about her selling her place? A Only by what I heard them say.
Q By them you mean your own family? A Yes,sir
Q Did Walker Mayfield ever move to Texas? A Yes,sir, during the war?
Q I mea before the war; before the war came up? A No, sir, not before the war.
Q Do you remember him being in Texas when his father died?
A I think he was there.
Q Did he come down there to settle up the estate? A I don't remember whether he came down to settle up the estate; I don't recollect whether he had moved here or not; he was living with his father when he married; I don't remember whether he married before grandfather died or not.
Q Where did his father live? A Lived in Texas.
Q Then he did live in Texas? A Yes,sir, for a long time, until he married; he was married up in this country.
Q How long before his father died did Walker marry? A I do not recollect.
Q You remember when he married, don't you? A Yes,sir
Q You were a good sized boy? A Yes,sir.
Q Eight or nine or ten years old? A To the best of my recollectio grandfather died before Uncle Walk married, but I am not positive about that.
Q You reco lect when your grandfather died? A Yes,sir, I remember when he died.
Q You were a good big boy at that time? A I suppose I was
Q About how old were you? A I cannot recollect how old; I can recollect when he died.
Q You hardly remember things that occurred before you were seven or eight years old? A Somethings I can.
Q Do you recall anything now that you remember that occurred at an earlier age than that? A I don't know that I can.
Q So you must have been about that age in order to recall this circumstance? A I can recollect when he died.
Q And it was about four or five years before the wa r broke out?
A I don't recollect exactly how long.
Q I am figuring on the basis of you having been eight or nine years old, and it was two or three years after that that Walker married? A I don't recollect how many years it was after grandfather's death it was when he married.

Q Did Walker Mayfield take any of the darkeys with him when he left Texas?A Left Texas and come up here?
Q Yes? A Yes,sir.
Q What darkeys did he take? A Well, Uncle Henry's family.
Q Now, do you recollect of him ever coming back to get his share of the darkeys belonging to the estate?
A No, sir, not after that.
Q Well, was the estate settled up when he left? A I suppose it was.
Q Is it not true that there never was a settlement of that estate? A I don't know whether there was a final settlement or not, but I know grandmother gave the children some negroes and they took them home with them.
Q Do you know whether or not your grandfather left a will?
A I don't recollect whether he did or not.
Q Do you know whether there were any proceedings in probate with reference to his estate? A No, sir.
Q Did he own these darkeys at the time of his death? A Yes,sir
Q And all that you recollect with reference to the disposition of the darkeys is that your grandmother gave some of the darkeys to some of the children? A Yes,sir, she gave some of the darkeys to the children.
Q And you don't pretend to say now what ones were given to each member of the family? A I don't remember all of them.
Q How long did you stay in Texas after the war broke out?
A Stayed there till '72.
Q Stayed till 1872? A Yes,sir.
Q What time after the war broke out did Walker Mayfield come back to Texas.
Q Came back about '61 or '2, I do not recollect which.
Q Early after the war broke out? A Yes,sir.
Q Did he bring all his darkeys with him? A No, sir.
Q What darkeys did he bring with him? A He brought old uncle Henry and his family, and one by the name of Nice.
Q You don't know any others? A I do not recollect now.
Q The others were younger? A Yes,sir.
Q Now, you knew Uncle Amos during the war? A Yes,sir.
Q He was, during the war, as you recollect, at Mrs. Howells'
A Yes,sir.
Q A Man then about eighteen or twenty? A Yes, I guess that was about Amos' age.
Q And he came back to the Cherokee Nation after the war?
A I do not know where he came?
Q Don't you recollect? A No, I don't recollect where he went after the war. I came up here myself in '66.
Q Had he left when you came? A I don't recollect whether he had or not. He may have--- He left there just before or just after I left, I don't know which.
Q Did your grandmother come up here? A Not at that time.
Q She still remained in Texas? A Yes,sir.
Q Up until '72? A I don't know just what year she left there; She came up to the Territory.
Q Have you any independent recollection of George Amos Mayfield, seeing him or knowing anything about him from 1859 to 1865?
A Yes, I recollect seeing him there at my aunt's.
Q And that was after Walker Mayfield came back from the Territory was it not? A He belonged to my aunt, and I remember seeing him on her place there.
Q You saw him there after Walker came back to Texas. No, I don't recollect anything about Walker coming back there only that he came back during the war.
Q You say your aunt owned Amos, how do you know that?
A Because he lived there on her place with her.

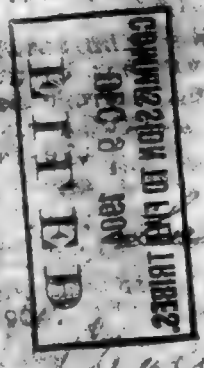
Q That is your only reason? A My understanding was that my grandmother gave him to her; He was there on her place with the balance of the darkeys.
Q And the fact that Ames was on the place with her is your only reason for saying she owned him? A She owned all the darkeys on the place and I suppose he belonged to the crowd.
Q And your recollection of all these things is based upon your knowledge obtained when you were a boy thirteen years old?
A Yes,sir.

BY COMMISSION:
Q You were born in 1847? A Yes,sir.
Q You were then almost fourteen years of age when the war broke out, as you understood it in Texas? A Yes,sir
Q You were born in the Territory? A Yes,sir, born in the Territory.
Q About when did you go to Texas? A Well we must have went there-- I was q ite small, I do not know., don't recollect, only just a few circumstances that happened on the trip.
Q You were probably five or six years of age? A Five or six years old I guess.
Q You went there with your father and mother and their slaves?
A Yes,sir.
Q And your grandmother was then living in Texas? A Yes,sir, she was then living there .
Q And your aunts? A Yes,sir.
Q Was this aunt you referred to, Mrs. Howell, then living in Texas? A Yes,sir.
Q When you went there? A Yes,sir, she was then living with my grandmother.
Q You say they owned a place? A Yes,sir.
Q And owned slaves? A Yes,sir.
Q And property generally , such as you see on a farm? A Yes,sir
Q Do you know or remember of them paying taxes in the State of Texas? A Well, I don't remember of grandmother paying taxes.
Q Did your aunt marry this Dr. Howell in Texas? A Yes,sir
Q He was living there at that time? A Yes,sir.
Q When can you first remember George Ames Mayfield, Mr. Harnage?
A Well, I can remember him just like I can all the balance of the slaves around, when I must have been eight or nine years old I guess.
Q Do you remember seeing him before the war came on? A Yes,sir
Q What age man was he at that time; when the war broke out?
A He was a young man, mustnhave been seventeen or eighteen, somewheres along there.
Q Do you remember seeing him there on the place? A Yes,sir.
Q Have you known him ever since? A I have not seen him but once or twice since.
Q Can you remember seeing him on your aunt's place there about the time the war began? A Yes,sir.
Q You can distinctly remember that, can you Mr. Harnage? A Yes,sir
Q And he was there during the war? A Yes,sir.
Q When did your aunt, Mrs. Howell, who owned George Ames, as you claim, return to the Cherokee Nation? A I don't recollect what time she came, she must have come sometime in '70, though.
Q Was she re-admitted as a Cherokee citizen, do you know?
A Yes,sir, I think she was.

Q That is your only reason? A My understanding was that my grandmother gave him to her; He was there on her place with the balance of the darkeys.
Q And the fact that Amos was on the place with her is your only reason for saying she owned him? A She owned all the darkeys on the place and I suppose he belonged to the crowd.
Q And your recollection of all these things is based upon your knowledge obtained when you were a boy thirteen years old?
A Yes,sir.

BY COMMISSION:
Q You were born in 1847? A Yes,sir.
Q You were then almost fourteen years of age when the war broke out, as you understood it in Texas? A Yes,sir
Q You were born in the Territory? A Yes,sir, born in the Territory.
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Q You were probably five or six years of age? A Five or six years old I guess.
Q You went there with your father and mother and their slaves?
A Yes,sir.
Q And your grandmother was then living in Texas? A Yes,sir, she was then living there .
Q And your aunts? A Yes,sir.
Q Was this aunt you referred to, Mrs. Howell, then living in Texas? A Yes,sir.
Q When you went there? A Yes,sir, she was then living with my grandmother.
Q You say they owned a place? A Yes,sir.
Q And owned slaves? A Yes,sir.
Q And property generally , such as you see on a farm? A Yes,sir
Q Do you know or remember of them paying taxes in the State of Texas? A Well, I don't remember of grandmother paying taxes.
Q Did your aunt marry this Dr. Howell in Texas? A Yes,sir
Q He was living there at that time? A Yes,sir.
Q When can you first remember George Amos Mayfield, Mr. Harmage?
A Well, I can remember him just like I can all the balance of the slaves around, when I must have been eight or nine years old I guess.
Q Do you remember seeing him before the war came out? A Yes,sir
Q What age man was he at that time; when the war broke out?
A He was a young man, mustnhave been seventeen or eighteen, somewheres along there.
Q Do you remember seeing him there on the place? A Yes,sir.
Q Have you known him ever since? A I have not seen him but once or twice since.
Q Can you remember seeing him on your aunt's place there about the time the war began? A Yes,sir.
Q You can distinctly remember that, can you Mr. Harmage? A Yes,sir
Q And he was there during the war? A Yes,sir.
Q When did your aunt, Mrs. Howell, who owned George Amos, as you claim, return to the Cherokee Nation? A I don't recollect what time she came, she must have come sometime in '70, though.
Q Was she re-admitted as a Cherokee citizen, do you know?
A Yes,sir, I think she was.

12



Q It was your understanding then, was it, as a boy 14 years of age or something like that , that George Amos was the property of your aunt? A Yes,sir
Q You knew that fact as you knew who your parents were, and things of common knowledge, did you? A Yes,sir.
Q Are you positive that Walker Mayfield did not own George Amos in the Cherokee Nation when the war began? A Yes, sir.
Q You mean by that that he did not? A He did not.

BY MR. HART:

Q Were there any other Georges or amoses among your darkeys?
A Were some Georges, but no Amoses.
Q No George Amos? A No, sir.
Q There were several named George? A I don't recollect how many there were
Q Do you know what became of them? A No, sir.
Q You don't know where this George Amos that you speak of is at present? A No, sir.
Q How long since you have met him? A It has been some little time since I saw Amos.
Q How many years? A Three or four years, I think, I don't recollect exactly.
Q Where was he living then? A I think he was living somewhere about Gibson. I am not positive about that.

-o-o-o-o- :O: -o-o-o-o-

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings and testimony in this case and that the above and foregoing is a full, true and correct transcrip of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 30 day of November 1904.

Charles R Sawyer
Notary Public.

Cherokee Freedmen R-5

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Amos Mayfield et al., as Cherokee Freedmen.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That on May 11, 1900, Amos Mayfield appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself, under the name of George Amos Mayfield, and for his step-daughter's minor children, Mannie (Mamie), and Luther Mayfield, as Cherokee freedmen. Further proceedings in the matter of said application were had on August 16, and November 18, 1904, at Muskogee, Indian Territory, in which it developed that the proper name of the said principal applicant is Amos Mayfield, and he will now be listed for enrollment under that name.

THE EVIDENCE IN THIS CASE SHOWS: That, at the commencement of the war of the rebellion, the principal applicant, Amos Mayfield, was the slave of Mrs Elvira Howell, nee Mayfield, a Cherokee by blood, who, together with her parents, about the year 1847 removed to the state of Texas; that some time prior to 1856 she married one Dr. Howell, a citizen of the state of Texas, and that during her residence in said state, which continued until about 1867, she owned property and exercised all the rights and privileges of a citizen of said state of Texas. It further appears that in about the year 1867 she returned to the Cherokee

Nation and was readmitted to citizenship in said Nation by the tribal authorities. During her residence in the state of Texas said Mrs. Elvira Howell possessed no property located in the Cherokee Nation.

Section II, Article I, of the Cherokee Constitution in part, provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

In view of the above facts and the law applicable thereto, it is considered that the said Mrs. Elvira Howell had forfeited her right to citizenship in the Cherokee Nation, and was, at the commencement of the war of the rebellion, a citizen of the state of Texas, so that at the commencement of said war said Amos Mayfield was not the slave of a Cherokee citizen, or a free colored person residing in the Cherokee country, as specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee Nation, et al.

It further appears that the minor applicants, Mannie and Luther Mayfield, are the children of the principal applicant's step-daughter, Maggie Scott, a non-citizen of the Cherokee Nation, and one Campbell, deceased, an alleged Cherokee Freedman, and that said minor applicants possess no rights to enrollment as Cherokee freedmen other than as descendants of their said father. After ample opportunity having been afforded, it is not established by satisfactory evidence that the said Campbell, deceased, possessed any rights to citizenship as a Cherokee freedman. None of the applicants herein, nor the said Campbell, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, following the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 544-04), William Rector (I.T.D. 1468-04) Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04) Ed Williams (I.T.D. 4230-04), and Moses Ross (I.T.D. 6056-04), the application for the enrollment of Amos Mayfield, Mannie Mayfield and Luther Mayfield, as Cherokee Freedmen, should be denied, under the previsions od section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory

JUN 30 1905

COPY.

Muskogee, Indian Territory, December 12, 19

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental proceedings had in the following Cherokee Freedman Enrollment Cases on the date indicated.

November 15, 1904.

Howard Bushyhead, Cherokee Freedman D-280.

Jackeie Ann Markham, et al., Cherokee Freedman D-346.

November 17, 1904.

Martha Washington, Cherokee Freedman D-343.

November 18, 1904.

Eliza A. Arnold, Cherokee Freedman D-74.

Rachael Greven, Cherokee Freedman D-1151.

John Lynch, Cherokee Freedman D-166.

Mary Gunter, et al., Cherokee Freedman D-166.

George Amos Mayfield, et al., Cherokee Freedman D-5.

November 19, 1904.

Daniel Beach, et al., Cherokee Freedman 40.

November 21, 1904.

Lewis Rogers, et al., Cherokee Freedman D-37.

Melvina Williams, et al., Cherokee Freedmen D-1073.
Calvin Goins, et al., Cherokee Freedmen D-179.
November 22, 1904.
Charlotte Potts, et al., Cherokee Freedmen D-136,
November 22, 1904.
Nina Robinson, Cherokee Freedmen D-141,
Tammy Fairfield, et al., Cherokee Freedmen D-126,
November 17, 1904.
Chaley Rowland, et al., Cherokee Freedmen D-138.
Respectfully,

Encl. CG 19.

SIGNED. Tams Bixby.
Chairman.

C R 5

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 13 1900

ACTING CHAIRMAN.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.
ALLISON L. AYLESWORTH, Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind.Ter., June 4, 1900.

George A. Mayfield,

Muskogee, Indian Territory.

Dear Sir:-

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are foundto have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900.

Yours truly,

Acting Chairman.

Chero. L.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 8

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of George Amos Mayfield, et al., as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not George Amos Mayfield was the slave of a Cherokee citizen at the commencement of the war of the rebellion, as to the date of his return to the Cherokee Nation after the close of the war, and as to his residence that time.

The said George Amos Mayfield has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 5

Muskogee, Indian Territory, February 25, 1904.

George Amos Mayfield,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and your two minor children as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion; as to the date of your return to the Cherokee Nation after the close of the war; and as to your residence since that time.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R S

Muskogee, Indian Territory, July 7, 1904.

James Hart,
Attorney for George Amos Mayfield, et al.,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Amos Mayfield, et al., as Cherokee freedmen, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tending to show conclusively whether or not the said George Amos Mayfield was a slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not he returned to the Cherokee Nation after the war within the time specified in the treaty of 1866 for the return of freedmen to said Nation.

The said George Amos Mayfield has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday July 27, 1904, and introduce testimony as above indicated.

Respectfully,

Register. Commissioner in Charge.

Cherokee Freedmen
R S

Muskogee, Indian Territory, July 9, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Ames Mayfield, et al., as Cherokee freedmen, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tending to show conclusively whether or not the said George Ames Mayfield was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not he returned to the Cherokee Nation after the war within the time specified in the treaty of 1866 for the return of freedmen to said Nation.

The said George Ames Mayfield has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday July 27, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in charge.

Cherokee Freedmen
B B

Muskogee, Indian Territory, July 9, 1906.

George Ames Mayfield,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and your two minor children, Minnie and Luther Mayfield, as Cherokee freedmen, you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tending to show conclusively whether or not you were the slave of a Cherokee citizen at the commencement of the war of the rebellion, and as to whether or not you returned to the Cherokee Nation after the war within the time specified in the treaty of 1866 for the return of freedmen to said Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday July 25, 1906, and introduce testimony as above indicated.

Respectfully,

Registrar.

Commissioner in charge.

COPY.

Cherokee Freedmen
R-5

Muskogee, Indian Territory, October 14, 1904

George Amos Mayfield,

Muskogee, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and your two grandchildren, Nannie and Luther Mayfield, as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Friday, November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Tams Bixby. T. B. Needles.

Register. Commissioner in Charge.

COPY

Cherokee Freedmen
R-5

Muskogee, Indian Territory, October 14, 1904

James Hart,

Attorney for George Amos Mayfield, et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Amos Mayfield , et al., as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Friday, November 18, 1904.

The principal applicant has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of said application.

Respectfully,

GNEE. T. B. Needles.
Commissioner in Charge

Register

COPY.

Cherokee Freedmen
R-5.

Muskogee, Indian Territory, December 12, 1904.

James Hart, Attorney for
George A. Mayfield,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 18, 1904, in the matter of the application for the enrollment of George A. Mayfield, et al., as Cherokee Freedmen, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

Encl. 06-23.

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-5.

Muskogee, Indian Territory, December 19,1904.

James Hart,

Attorney for George Amos Mayfield,

Muskogee, Indian Territory.

Dear sir:

There is herewith enclosed copy of supplemental testimony taken at Muskogee, Indian Territory on August 15, 1904, in the matter of the application for the enrollment of George Amos Mayfield, et al., as Cherokee Freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. 00-59.

COPY.

Muskogee, Indian Territory, December 19,1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There are herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedman cases:

Cherokee Freedman D-979 and 980, Anna Peterson, et al.
Cherokee Freedman R-5, George Amos Mayfield, et al.
Cherokee Freedman D-871, Elizabeth Dungan, et al.
Cherokee Freedman D-144, Lewis A. Pool.
Cherokee Freedman D-742, David Johnson, et al.
Cherokee Freedman D-376, Joe Lynch, et al.
Cherokee Freedman D-688, Hannah Ross.

Respectfully,

C. Chairman. Tams Bixby.

Encl. 62-87.

COPY.

Cherokee Freedmen
R-5.

Muskogee, Indian Territory, June 30, 1906.

Ames Mayfield,

Muskogee, Indian Territory.

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application made for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, James Hart, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Encl. C-13.

Register.

COPY

Cherokee Freedmen

R-5.

Muskogee, Indian Territory, June 30, 1905.

James Hart,

Attorney for Amos Mayfield, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Amos Mayfield, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Inel. C-14
Register

COPY

Cherokee Freedmen
R-5.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Anda Mayfield, et al., as Cherokee freedmen, including the Commission's decision dated June 30, 1905, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. C-16

Through the

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

761

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
.....
R-5.

Muskogee, Indian Territory, June 30, 1905.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Amos Mayfield, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. C-18

Land
51387-1905

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

August 11, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 30, 1905, transmitting the record of the application for enrollment as a Cherokee freedman by Amos Mayfield for himself and his step-daughter's minor children, Mannie (Mamie) and Luther Mayfield.

June 30, 1905, the Commission decided adversely to all the applicants.

The record shows that at the beginning of the war of the rebellion the principal applicant was the slave of a citizen of, and residing in, the State of Texas. It further appears that the minor applicants, Mannie and Luther Mayfield, are the children of Amos Mayfield's step-daughter, Maggie Scott, a non-citizen of the Cherokee Nation, and one Campbell, deceased, an alleged Cherokee Freedman, and the minor applicants possess no rights to enrollment other than as descendants of their father. After ample opportunity afforded, it is not satisfactorily established that Campbell, deceased, possesses any rights of citizenship as a Chero-

kee Freedman. None of the applicants , nor said Campbell, can be identified on the 1880 authenticated Cherokee roll or the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

very respectfully,

C. F. Larrabee
Acting Commissioner

M.M.M.

W .

(C O P Y

DEPARTMENT OF THE INTERIOR

WASHINGTON

GR
LLB

D.C. 10277-1906
I.T.D. 10272-1905

L R S

March 15, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Amos Mayfield for the enrollment of himself and his step-daughter's minor children, Mannie (Mamie), and Luther Mayfield, as Cherokee freedmen, including its decision dated June 30, 1905, adverse to all the applicants.

August 11, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the Commission's decision, adverse to the applicants, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes dated June 30, 1905, denying the application of Amos Mayfield for the enrollment of himself and his step-daughter's minor children, Mannie (Mamie) and Luther Mayfield, as Cherokee freedmen, is hereby affirmed.

Respectfully

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-5.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Amos, Mannie and Luther Mayfield as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 15, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-71

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-5.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1906.

Amos Mayfield,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting your application for the enrollment of yourself and Mannie and Luther Mayfield as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 15, 1906.

Respectfully,

Acting Commissioner.

LS

Cherokee Freedmen COPY.

R-5.

Muskogee, Indian Territory, March 21, 1906.

James Hart,

Attorney for Amos Mayfield, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of Amos, Mannie and Luther Mayfield as Cherokee freedmen, was affirmed by the Secretary of the Interior on March 15, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Wm. R. Beall

Acting Commissioner.

Incl. S-70

Muskogee, Indian Territory, July 1, 1904.

Receipt of the Commission to the Five Civilized Tribes

for copy of the testimony in the matter of the application for the enrollment of George Anne Harris, et al., as Cherokee freedmen.

Attorney for Applicants.

Muskogee Indian Territory, Dec 13th 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Supplemental proceeding

in case of George Grass Mayfield Et Al applicants

for enrollment as Cherokee freedmen

James Hart
Attorney for Applicant.

OTR 5

Not on 50 roll.

Shows –

Father's Status –

who owned [illegible]

[illegible]

[illegible]

[illegible]

3/13/[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





George Amos Mayfield,

Mus[redacted]tory.

SECOND NOT
3rd
4th
JU 3 1905

Cher Fr R6

Cher Fr R6

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Lee Gross.

Lee Gross, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Lee Gross.

Q - How old are you? A - I don't know, sir.

Q - Are you over age?

A - Yes, sir, somewhere along about 35, I guess.

Q - What district do you belong to?

A - I live in Canadian.

Q - How long have you lived in the Cherokee Nation?

A - Lived in it always.

Q - Haven't been outside of the Territory for the last two or three years, have you?

A - No, sir, been in the Creek Nation.

Q - What is your post office address? A - Muskogee.

Q - What is your father's name?

A - Richard Gross.

Q - Is he living or dead? A - Living.

Q - Is he a Cherokee Freedman? A - No, sir.

Q - Is he a United States Citizen? A - Yes, sir.

Q - What is your mother's name? A - Laura Gross.

Q - Is she living? A - Yes, sir.

Q - Is she a Cherokee Freedman? A - Yes, sir.

Q - To whom did she belong?

A - I don't know, sir.

Q - Are you married? A - Yes, sir.

Q - What is your wife's name?

A - Chlorie Gross, nee Rawdins.

Q - Is she a Cherokee citizen? A - Yes, sir.

P6

FILED
MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1900

ACTING CHAIRMAN

Q - Have you any children? A - One.

Q - Is your wife here?

A - No, sir, she is at home.

Q - How old is your wife, did you say?

A - She was about 16 when I married her and I have been married about three years.

(Note. The child will apply for enrollment with its mother.)

We must refuse your enrollment for the reason that your name is not found on the authenticated roll of 1896. We will make a card for you.

Department of the Interior
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Grace E Jones

RECEIVED
MAY 11 1900
DEPARTMENT OF THE INTERIOR
COMMISSION TO FIVE CIVILIZED TRIBES

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of GEORGE AMOS MAYFIELD, ET AL., as Cherokee freedmen.

It appears that the applicant, his attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 27, 1904, and introduce further testimony in this case, touching the points mentioned in said letter; and that on said date this case was continued by agreement of the parties concerned until August 15, 1904.

APPEARANCES:
Applicant appears by attorney, James Hurt.
Cherokee Nation by its attorney, James S. Davenport.

W. G. FIELDS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A W. G. Fields.
Q How old are you? A 37.
Q What is your postoffice address? A Hereford.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant in this case, George Amos Mayfield?
A Yes, sir.
Q When did you first get acquainted with him? A In the year '63.
Q You don't know them of your own knowledge whether or not he was the slave of a Cherokee citizen before the war? A This was during the war and when I knew him he was a slave and belonged to Mrs. Vick Still.
Q Vick Still? A Yes, sir.
Q During the war? A Yes, sir, in Rusk County, Texas.
Q Where was he living when you first knew him? A In Rusk County, Texas.
Q When did you first get acquainted with Mrs. Vick Still? A Ever since I could remember.
Q When did you first leave the Cherokee Nation, when the war came up? A It was either in the latter part of '62 or early part of '63, I disremember which; I think it was in the forepart of '63.
Q Was Mrs. Vick Still a recognized citizen of the Cherokee Nation when the war came up? A As to the citizenship part I couldn't say, but so far as her being recognized as a Cherokee she was recognized as a Cherokee all right.
Q Cherokee by blood? A Yes, sir.
Q Was she living in the Cherokee Nation when the war came up? A Yes, sir.
Q Did she ever leave live in the Cherokee Nation before the war to your knowledge? A I can't say.
Q Then when you first got acquainted with Mrs. Still she was living in Texas? A No, sir, when I first knew her she was up here about Stilwell.
Q In the Cherokee Nation? A Yes, sir.
Q But you don't know whether she was a Cherokee citizen or not? A No, sir, I can't say; I didn't know anything about the laws at that time; I was a boy; her mother was living in Texas, and the first I remember of him and Mrs. Still she was on a visit to see her sister.
Q Sometime during the war this Mrs. Still took this George Amos Mayfield to Texas, did she? A I guess he was taken there before the war.
Q You don't know when he first went out of the Cherokee Nation?

A No, sir, he was older than I am and I never knew him at all; I met him there in '63.
Q Do you know whether or not he ever lived in the Cherokee Nation before the war? A I couldn't say, no, sir.
Q When did you first see George Ames Mayfield in the Cherokee Nation after the war? A It must have been about '67. You see my father refugeed from here to East Texas in '63, and in the year '62 my uncle Joe Adair owned quite a number of slaves and took them to his mother-in-law's down there in Rusk County, Texas, Mrs. Sallie Mayfield and we went down there, when we got there this Ames had married one of Joe Adair's slave women, and she lived with my people after we moved down there until the close of the war, and after the close of the war Judge Adair was all broken up and he told the slaves he was all broken up and wouldn't be able to bring them back home and they would have to work their way back the best they could and Ames came to my father and asked him if he would bring he and his family back to the Cherokee Nation and told him, my father all they would ask would be some thing to eat and sheep clothing and they would make a crop for him that year, and we came as far as old North Fork down here in the Creek Nation and they stayed with us there and made a crop and along about the first days of September they had a chance of going to Fort Gibson and Ames came to my father and asked him if they had worked enough to pay for his bringing them out here and if so, they had a chance to go to Fort Gibson and father told him he was satisfied and to go when they got ready and they left there and came to Fort Gibson, and I never saw them for quite a while after that, some to Fort Gibson.
Q What time do you say it was when they left Texas with your father? A In March '66.
Q I believe you stated awhile ago that it must have been about '67? A No, he left Texas in '66 and come to old North Fork and got there about the first days of April.
Q You say you reached this point in the Creek Nation sometime in the Spring of '66? A April '66.
Q And then he stayed with you until September of 1866 and went to Fort Gibson? A Yes, sir.
Q Then when did you next see him? A The next year, '67.
Q What time of the year? A Fall of the year, if I remember, I was down here putting up hay; I was over across the river, visiting on 14 Mile Creek and met him there.
Q Near Fort Gibson? A Yes, sir.
Q Do you know that he went to Fort Gibson when he left your father? A I heard the parties say they went and took him to Fort Gibson;, of course, I couldn't say as to that.
Q You saw him the next year near Fort Gibson? A Yes, sir.
Q Was he living there with his family? A He claimed he was living out East of Fort Gibson; I didn't go to his house.
Q Do you know where the applicant and his family have continued to live since that time? A I have seen Ames a number of times over there about Gibson, and they lived in Illinois district and later on I saw Ames in Muskogee; he worked here.
Q You don't know anything about his belonging to Mrs. Mayfield at that time? A Yes, sir, that is my understanding, that he formerly belonged to Mrs. Mayfield, and this Mrs. Still was a daughter of Mrs. Mayfield and after her marriage to Still Mrs. Mayfield gave her a number of salves, and George was among them.
Q Do you know anything about who were the parents of George Ames? A No, sir, I don't know anything about that.
Q Have you continued to know this applicant ever since you saw him in '67 in Gibson? A I have known him ever since.
Q You have seen him around often in the Cherokee and Creek Nations? A Yes, sir.

Q Could you state whether or not he has ever lived outside of the Creek and Cherokee Nations since he returned? A Not to my knowledge I have seen him occasionally ever since.
Q You don't know whether Mrs. Still and Mrs. Mayfield were Cherokee citizens or not? A I don't know whether they were considered citizens before the war or not, but immediately after the war they moved back and lived here.
Q Were they recognized as citizens after the war? A Yes, sir.

By Mr. Hart:
Q You knew this Mrs. Still, she is a relative of yours? A Distant relative.
Q You knew her before the war? A Yes, sir.
Q And she and her mother were always so far as you know, were recognized as citizens of the Cherokee Nation?
Objected to as leading.
By Mr. Davenport: [redacted]
Commission: Objection noted; witness may answer.

Q State whether or not that is true? A As I said a while ago I couldn't say as to the citizenship, but so far as being Cherokees there was no question about that.
Q You never heard their citizenship questioned? A No, sir.
Q That applies the same to Sallie Mayfield and Mrs. Still, equally? A Yes, sir.
Q They both moved back to the country immediately after the war? A Yes, sir.
Q And they have resided here since? A Mrs. Still died; Mrs. Sallie Mayfield lived over here just beyond Fort Gibson quite a while and moved from there back to her home in Texas, and I believe she died in Texas.
Q Where did Mrs. Still die? A I don't remember whether she died, I guess she did here in Muskogee; she married this Mr. Gilmore here.
Q Your first recollection of Ames, I understand, is when Judge Adair's family brought him down to Texas? A No, it was when we first moved to Texas; he was living with one of Judge Adair's women, married.
Q Didn't Judge Adair have a brother living in the Cherokee Nation at the breaking out of the war, over near Fort Smith? A No, sir, he only had one brother that I had any recollection of, George Washington Adair, lived up here near where the Orphan Asylum burned down.

By Mr. Davenport:
Q How old were you?--A you when the war broke out? A I was about 13 years old, I think.
Q Up to the time of the breaking out of the war you never knew of your own knowledge of Sallie Mayfield or Mrs. Vick Still having a home in the Cherokee Nation, did you? A No, sir, I didn't.
Q I will ask you if it isn't a fact that Mr. Mayfield, Sallie's husband, and she moved to Rusk County, Texas, and made it their home for years prior to the breaking out of the war? A That is my recollection.
Q And if Vick Still, their daughter, wasn't raised and educated in the State of Texas before the war broke out? A That is correct.
Q Do you know whether before the war either Sallie Mayfield or Vick Stil were on the rolls of the Cherokee Nation or recognized as such by the Cherokee authorities? A I couldn't say about the citizenship, but----
Q You mean that they are Cherokees by blood? A Yes, sir, there was no question about that.
Q Don't you know, Mr. Fields, that Sallie Mayfield and her family were readmitted to citizenship in the Cherokee Nation by the Cherokee authorities after the war, when they moved back to the Cherokee Nation? A I couldn't say; I don't know whether they had made application for readmission or whether they just moved back and located

Q You do know that when you first knew them they lived in the State of Texas? A Yes, sir.
Q And owned homes and their families were there? A Yes, sir.
Q And had slaves working for them on the farms at the breaking out of the war? A Yes, sir.
Q And you never saw George Amos Mayfield in the Cherokee Nation prior to the breaking out of the war? A No, sir.
Q And so far as you know he was in Texas with his former owners when the war broke out? A Yes, sir.
Q You people started back to the Cherokee Nation before the treaty of 1866, did you? A Yes, sir, we started in March, 1866.
Q How did it happen that Judge Adair you spoke of was talking to the niggers about coming home before the treaty was made? A I suppose they were wanting to come back; he was talking about moving back and they were anxious to come home, and he just told them he was broke up and if they wanted to come, they would have to work and come back.
Q What home did they have to come back to? A I don't suppose they knew anything about the treaty.
Q They had no rights in the Cherokee Nation prior to the treaty? A No, sir.
Q And this conversation you related took place before the treaty was made? A That was in Texas.
Q Was this conversation with Amos Mayfield or not? A I guess it was to his wife; she was living with our folks.
Q Can you state now whether or not the conversation you related in your direct examination was with the applicant, George Amos Mayfield, or in his presence? A I couldn't say as to that; he didn't belong to my uncle; it was his wife.

Mr. Davenport: I make a motion to strike that part of the conversation that was related as having taken place between Judge Adair and any person other than the applicant, out of the testimony.
Commission: Motion noted.

By Mr. Hart:
Q You do recall, don't you Mr. Fields, that Amos made an arrangement with Judge Adair to come back to the Territory? A No, sir, he made that arrangement with my father to bring his family back here.
Q It was your father? A Yes, sir.
Q And they all came together to the old North Fork down here and lived there one year? You were practically one family? A Yes, sir, related; my mother was a niece of Judge Adair.
Q And this conversation about coming back home related to all the slaves of the two families, did it not?

Mr. Davenport: Objected to as leading.
Commission: Objection noted; just ask him whether or not it is true.

A I just want to state that so far as my knowledge of this conversation is concerned I wasn't present. Amos came to my father and told him my uncle had told his wife and the other darkies that if they wanted to come back to the nation they would have to work and bring themselves back, and he told him that if he would bring his family back, they would make a crop for him and pay him for it.

By Mr. Davenport:
Q You don't know any reason why they wanted to come back? A No, sir.

(Continued until one o'clock P. M.)

One o'clock P. M.: Appearances same as forenoon; also applicant, George Amos Mayfield.

GEORGE AMOS MAYFIELD, being duly sworn, testified as follows:

By the Commission:
Q What is your name? A George Amos Mayfield.
Q How old are you? A 68 or '9 years old, I don't know exactly.
Q What is your postoffice address? A Here at Muskogee.
Q You are the person who has applied here for the enrollment of yourself and two children, Mannie and Luther Mayfield, as Cherokee freedmen? A Yes, sir.
Q Are those children living now and with you? A No, sir, they are living with their mother now.
Q Where does their mother live? A At Vinita.
Q Were you the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did you belong to? A Mrs. Mayfield.
Q What was her given name? A That is all I know, Mrs. Sallie Mayfield.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did you go to? A Texas.
Q To what point in Texas? A I don't know the county.
Q Who were you taken out with? A Walk Mayfield and some other parties.
Q Do you remember who all were in the party? A No, sir, not all of them; there was several of them along.
Q Was Walk Mayfield the husband of Sallie Mayfield? A No, sir, that was her son.
Q When did you come back to the Cherokee Nation after the war? A Between '65 and '6.
Q Who with? A This old man here and his father and several of them.
Q Mr. Fields, who has just testified in your case? A Yes, sir.
Q To what place did you come first? A Some call it North Fork.
Q That is in the Creek Nation? A Yes, sir.
Q What time of the year? A In '65 and '6.
Q What time of the year? A I couldn't tell you.
Q Hot weather or cold weather? A It was along in the spring.
Q How long did you stay there? A During a part of the summer season.
Q Then where did you go? A To port Gibson and I lived there.
Q Where have you continued to live since that time? A Just backwards and forwards from one place and the other wherever good work would catch me; from here to Fort Gibson and from port Gibson back here, down at Webbers Falls.
Q What is the name of the mother of those children? A Her name is Maggie.
Q Maggie what? A Maggie Scott; I am wrong, her husband, she had a husband, her husband is named Campbell.
Q When you made application you stated their mother's name was Hannah Mayfield? A No, sir, I didn't; it is Maggie Campbell.
Q Is these children's mother a citizen of the Cherokee Nation? A No, sir, just their father.
Q You are the father? A No, sir, I am not the father.
Q Then Mannie and Luther are not your children? A Not mine, but grandchildren.
Q Have you got any family of your own? A No, sir, none living with me but just myself.
Q Are these children children of your son? A Children of another man's son; they are children of Ed Campbell's son, a citizen of the Cherokee Nation; he was the father of this boy that married a stepdaughter of mine.

Q The mother of Mannie and Luther was your stepdaughter? A They are my grand stepchildren.
Q Is the father of these children alive? A No, sir, he is dead.
Q Was he a Cherokee freedman? A Yes, sir.
Q When did he die? A Right at Brushy Mountain here at a man's place by the name of Sales, Charley Sales.
Q Was the father of these children the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did he belong to? A John Brown, some of them Browns.
Q Was the father of these children taken out of the Nation during the war? A I don't know; I know he was out, I don't know whether he was taken out or run away, I know he went out.
Q Do you know whether he came back to the Nation after the war? A Yes, sir, he come back after the war.
Q When did he come? A I don't know, sir, just when he did come.
Q Do you know anything about when he come? A No, sir, when he come, he come in the upper part of the Nation; I didn't know up in there.
Q How long has he been dead? A He has been dead, I guess, 10 years.
Q Was he ever enrolled on any of the tribal rolls of the Cherokee Nation? A I think his father had him enrolled; I don't know, up there in that district.
Q Do you know what district he lived in? A No, sir, I don't.
Q Did he always go by the one name that could have been given? A Yes, sir.
Q The mother of these children Mannie and Luther she was your step-daughter? A Yes, sir.
Q What was her mother's name? A Hannah Mayfield.
Q Was Hannah a citizen of the Cherokee Nation? A No, sir.
Q A state woman? A Yes, sir.
Q She is dead now? A Yes, sir.
Q What was your step-daughter's father's name? A Scott.
Q His full name? A I don't know all of his full name; he come to Fort Gibson as a soldier.
Q Was he a citizen of the Cherokee Nation? A No, sir.
Q He was a state man? A Yes, sir.
Q Then your stepdaughter claims rights in the Cherokee Nation? A No, sir.
Q She is living? A Yes, sir.
Q And these children are living with her? A Yes, sir.
Q Where is she living? A At Vinita.
Q Have these children been with her since their birth? A Yes, sir.
Q Where has she lived since the children were born? A At Vinita.
Q All the time? A I suppose so.
Q Do you know? A I suppose she has been there.
Q Do you know whether or not she has been living in the Cherokee Nation since the children were born? A No, sir, I don't know.
Q What is her present name? A That is all I can find of it.
Q What is her name now? A You will have to take her by her first name, Maggie Campbell; she has got a husband, but I don't know him.
Q Don't know his name? A No, sir, I have seen him, but don't know him.
Q Do you know where these children were born? A Right here south of Muskogee about two or three hundred yards on the east side of the railroad; I was living there.
Q What is the name of your father? A Andy Starr.
Q What was the name of your mother? A Silla; she belonged to the Starrs.
Q Were your parents both slaves of Cherokee citizens? A Yes, sir.
Q Who did they belong to? A My foreparents belonged to Constable Starr.
Q Were you ever enrolled on any of the tribal rolls of the Cherokee Nation? A I think I was enrolled on the Wallace roll.

Q Is that the only roll that you were ever put on? A I think it is placed on some place else on the rolls that was taken after the citizens was all coming in home here.
Q You are not on the 1880 roll? A I don't know for certain, I knew I enrolled on it.
Q On the 1896 roll? A I couldn't tell you; I think I was to the enrolling, but I don't know whether my name is safe on them all or not, I think I was to every one, I know it was on the Wallace roll.
Q Did you have any family in 1880? A Yes, sir.
Q What were the names of the family? A The woman I have died; called the name Hannah Mayfield.
Q Any children? A No, sir.
Q What district were you living in in 1880? A Fort Gibson.
Q Illinois District? A Yes, sir.
Q What name did you go by? A The name that I have already given, Mayfield.
Q George or Amos or George Amos? A Amos.
Q Were you not known then as George Mayfield? A I don't suppose I was; someone or other just put that name to me, I don't know how. My son was named the same name, both of us.
Q What district were you living in when the Wallace roll was made? A Illinois district.

By Mr. Hastings:
Q Do you remember whether you drew any money on the Wallace payment in 1890? A I did.

By the Commission:
Q You did draw money at the Wallace payment? A Yes, sir.
Q Who would you have enrolled with at that time? Did you have any family who would be on the roll with you? A I had three boys at that time.
Q What were their names? A John George and Matthew, I enrolled two of them; one enrolled himself, the oldest one.

Commission: The Wallace roll examined and the name Amos Mayfield found in Illinois district opposite No. 2755, aged 45 years at that time, enrolled alone.

Q Were you enrolled on the Kern-Clifton pay roll? A Yes, sir.
Q Did you draw money at that time? A I don't remember it; I drawed money, but it was my son's.
Q Why didn't you draw? A They had my name in different, so it was placed before me that if anyone drew money under a false name there would be something after it, and so I wouldn't take it at all. It was there for me, but I wouldn't take it that way.
Q Were you enrolled with anyone else on that roll? A None but them children.
Q What children? A Mannie and Luther, I got the name, they ought to be there whether they are there or not.
Q Did they ever go by any other name besides Mannie and Luther? A No, sir.
Q Did you ever know Etta and Fred Mayfield? A Yes, sir.
Q Who are they? A That is my son's children.
Q Have you got a son named George Mayfield? A Yes, sir, I have.
Q But you always went by the name of Amos, yourself? A Yes, sir, late years they got my name different; I don't know how it happened.

Commission: The 1880, 1896 and 1897 Kern-Clifton Pay Roll examined and neither the applicant nor the two children listed for enrollment with him identified thereon.

Q You say you didn't draw money at that time? A No, sir.
Q Nor for the children? A No, sir, didn't draw for them two; I drawed for my son.

Q Have you got any witnesses to prove that the father of these children was a Cherokee freedman? A No, sir, I aint. The witnesses that would have been is Bill Brown, who is a citizen, was a nephew of Bill Brown, a citizen of this town, a barber. I have got no witnesses for them now.

By Mr. Hart:
Q Were you acquainted with Walker Mayfield? A Yes, sir.
Q Do you know where he was living before the war began? A Redland I think.
Q Where is that? A In the Cherokee Nation.
Q Did you ever stay at Walker Mayfield's? A Yes, sir, I stayed there awhile with him.
Q Where were you when the war broke out? A I was there with Walk.
Q Where were you with Walk? A At Redland.
Q How soon after the beginning of the war did you leave there if you left at all? A A year or something like that, I guess.
Q What relation was Walker Mayfield to Sallie Mayfield? A That was her son.
Q Who was the husband of Sallie Mayfield? A She said Jesse Mayfield.
Q Do you know Vick Still? A Yes, sir.
Q Were you at any time owned by her? A I couldn't tell you who owned me particularly but the one.
Q Tell the court if there was any circumstances connected with that that would make it a question as to which one of the Mayfield family you belonged to? A It was her last words that I must always carry her name.
Q But as a matter of fact were you ever owned or in possession of different members of the family at different times? A Yes, sir.
Q And you were in the possession of Walker Mayfield at the breaking out of the war? A Yes, sir.
Q He was a son of Sallie Mayfield, residing in the Cherokee Nation? A Yes, sir.

By Mr. Davenport:
Q Do I understand you to say that you were with Walk Mayfield when the war broke out? A Yes, sir.
Q Where? A Redland, I think they call it.
Q Where did you go during the war? A To Texas.
Q You stayed in Texas how long? A I don't know just exactly.
Q Had you ever been to Texas before the war? A Yes, sir, I had been to Texas before.
Q Did you ever know a man by the name of Doctor Howell, who was the son of Sallie Mayfield? A Yes, sir.
Q You stayed with them some? A No, sir.
Q Never stayed with Howell any? A No, sir.
Q Where were you when W. J. Mounts came to Texas after the war and rented the Mayfield plantation? A I was here at Fort Gibson.
Q You had seen Mounts before he left? A No, sir, hadn't seen him.
Q You didn't know Mounts before the war? A No, sir.
Q When did you think about the fact that you had been with Walker Mayfield when the war broke out in the Cherokee Nation? A Walk Mayfield had me with him for a race rider.
Q Did you ever testify to that before to-day? A I think I have.
Q You testified in Freedmen D 92, where Sallie Mayfield was an applicant for citizenship, didn't you? A Which one do you mean?
Q Sallie Mayfield, didn't you testify in that case? A Yes, sir.
Q Didn't you testify in that case that at the breaking out of the war that you were a slave and owned by Sallie Mayfield, a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Did you in that testimony at any time mention the fact that you were with Walk Mayfield when the war broke out? A Yes, sir.
Q You mentioned that in that statement did you? A Yes, sir.
Q Did you come back to the Cherokee Nation with Walk Mayfield?
A No, sir.

Q What became of him? A He is dead.
Q Did he ever come back to the Cherokee Nation? A Yes, sir, he married Blackburn's daughter.
Q When did Walk come back? A You can't get that out of me, I aint educated.
Q You don't have to be educated to tell when you come back? A No, sir.
Q You didn't have to be educated to change your owners? A I didn't say anything like that.
Q Who did you belong to? A I considered I belonged to Sallie.
Q Sallie was living and had been for 20 years before the war broke out, in Texas? A I couldn't tell you that.
Q Where were you living when you first remember? A With Caleb Starr, Sallie's brother.
Q Where did he live? A In Flint district.
Q Do you know E. M. Starr? A No, sir.
Q Did you know Col. Bell here? A I recollect him a little.
Q When did you see him first? A I don't know whether it was here or at ~~Tahlequah~~ Fort Gibson.
Q Did you ever see him in Texas? A I may have; I saw his brother there.
Q Did you see Zeke Starr in Texas? A Yes, sir, I have.
Q Before or after the war? A Before the war.
Q Didn't you see him there after the war? A No, sir.
Q He was living in Texas until after the war, wasn't he? A I think so.
Q Sallie Mayfield was his own aunt, wasn't she? A Yes, sir.
Q Caleb Starr, was he living in Texas before the war? A No, sir.
Q When was it you were living with Caleb Starr? A When I was small
Q About how old were you? A I reckon I was 6 or 7 years old.
Q Was that before Mrs. Mayfield went to Texas? A I don't know when she went to Texas.
Q Do you know where you were born? A At Caleb Starr's in Flint.
Q How old are you now, do you know? A In the neighborhood of 68 or '9, maybe 70, I don't know.
Q Do you know what year Mrs. Mayfield went to Texas? A No, sir.
Q She went there several years before the war? A I couldn't tell you.
Q You were on her plantation? A Yes, sir.
Q You helped make several crops down there? A No, sir, not that I know of particularly, I can't tell you that, I always---
Q You were there for several years before the war with Mrs. Mayfield A Yes, sir, I have been in there and been out.
Q And she owned you at the time of the breaking out of the war, Sallie Mayfield? A Yes, sir.

By Mr. Hart:
Q What was your particular occupation, or what di you do usually?
A Principally stock gatherer, race rider and such.
Q What did you do for Walker Mayfield? A Race rider.
Q Did he keep race horses? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.

Mr. Davenport: We object to any further interrogation as to vocation or for whom he was working, as applicant says he was owned by Sallie Mayfield at the breaking out of the war.
Commission: Objection noted.

Q I will ask you if as a matter of fact if you were not given to various members of the Mayfield ~~sk~~ family at different times?

Mr. Davenport: We object to that question as leading, suggestive and not cross-examination of any matter brought out by the Cherokee Nation.
Commission: Objection noted.

Q You state what the fact was, Amos, about your being in the possession of different members of the Mayfield family?

Mr. Davenport: Objected to on the grounds he has no right to state the facts; he can state to whom he belonged and give names of them.
Commission: Objection noted.

A As far as my memory will lead me I think I belonged to Miss Sallie Mayfield, as near as I know, I was changed from family to family, I don't know.
Q What do you mean by changed from family to family? A One while I would live with Vick.
Q Who was Vick? A Mrs. Sallie's daughter. One while I would stay with Walk.
Q Who was Walk? A Mrs. Sallie's son.
Q And so far as you know you were owned and under the direction of these various members of the family during the time that you were with them?

Mr. Davenport: Objected to as leading and suggesting absolutely the answer to the witness, and then again, it is not cross-examination of any matter brought out by the Cherokee Nation.
Commission: Objection noted.

Q State now under whose control you were at the breaking out of the war of the rebellion?

Mr. Davenport: Objected to. The only question in this case is to whom he belonged and not under whose control.
Commission: Objectmkion noted.

A Mrs. Sallie Mayfield.
Q I mean at the breaking out of the war? A Walk at the breaking out of the war, he had charge of me then.

By the Commission:
Q Do you want your name to go down on the Commission's records as Amos or George Amos? A I don't want the George to it. I want it Amos.
Q You just simply want it to go on the records as Amos Mayfield?
A Yes, sir.
Q You are not George, but Amos? A Yes, sir, I have a son by the name of George.

By Mr. Davenport:
Q When was it you were under Vick's control and who was there at the time you were with her? A She had a man by the name of Still.
Q He lived where? A I don't know what mountains they were.
Q You know he lived in Texas? A Yes, sir, that is all I can say.
Q When were you under the control of this other daughter and what was her name? A One was Punney.
Q Who did she marry? A A man by the name of George Walsh.
Q He was a physician, wasn't he? A What do you mean?
Q Practicing medicine? A I don't know.
Q How long did you stay with the girl that married him? A I didn't stay long.
Q About how long? A I don't know whether it was one summer season or a year or six months.
Q He was living where when you were staying with them? A I don't know the name of the place.
Q Was it in Arkansas or Texas? A Arkansas, I reckon.
Q When was it with reference to the breaking out of the war that you were with Walk Mayfield? A I don't know whether it was '62 or '2.

Q Do you think it was as late as '62 or '3? A I think so.
Q You were about how old when you were with Walk Mayfield? A I don't know whether it was 12 or 13 or what.
Q Was it before or after he married? A After he married.
Q Do you remember about Walk Mayfield going to Texas one trip and staying there before the war? A No, sir.
Q How many girls has Sallie Mayfield other than the two you have mentioned? A I can't tell you; I can call the names, Nep, Nancy, and Emily and Vira and Bunny and Vick, them is all I can remember, seven, I think.
Q Mrs. Sallie Mayfield lived in Texas and owned a farm there when she owned you, didn't she? A I reckon so.
Q She didn't own a farm in the Cherokee Nation at that time? A Not that I know of.
Q She didn't have any property in the Cherokee Nation at that time ~~xxwhile~~ she was living in Texas, did she? A Only horses and cattle that I know of.
Q Do you know that Mrs. Sallie Mayfield owned any property in the Cherokee Nation from the time she went there in 1847 or '8 up to the time that she returned to the Cherokee Nation in 1867 or '8? A I know she had cattle on the Illinois in the Cherokee Nation.
QWho had them in charge? A Gale and Charley Starr.
Q What year was it she had these cattle there? A I don't know.
Q Do you mean to say that she kept cattle there on the Illinois for 20 years, while she was in Texas? A I know I gathered cattle for her.
Q When did you gather cattle for her while she was in Texas? A I gathered cattle for her all the time in both places.
Q Did you gather cattle for Mrs. Sallie Mayfield from 1847 or '8 up to and including 1867, in March, in the Cherokee Nation? A I didn't gather any in March, in the Cherokee Nation.
Q I mean during that 20 years? A Yes, sir.
Q What years was it and where were the cattle? A On the Illinois river.
Q Are those the cattle you spoke of being in Charley and Gale Starr's possession? A Yes, sir.
Q Don't you know that Mrs. Sallie Mayfield and the children that she had then sold everything they had in the Cherokee Nation both personal and improvements upon the land in 1847 and moved to Texas and bought their farms there and lived there up until 1867? A They might have I don't know.
Q How could you have gathered cattle for them if you don't know? A I don't know the ~~xxxxx~~ dates; there is where you can get around me, if I knew the dates I could tell you.
Q You have already answered me that you gathered cattle for them while she was living in Texas? A Yes, sir.
Q Did you gather any cattle for her while she was living in Texas, as you say you did, in the Cherokee Nation? A Yes, sir.
Q Where were they located? A On the Illinois, I don't know the place exactly.
Q Can you name anyone who lived near where the cattle were ranging? A No, sir.
Q How far were they from Tahlequah? A It was away down the river like you were going to Fort Smith, I don't know how far.
Q How far were they from Dr. Campbell's place? A Up above there.
Q How far from Greenleaf? A It was, I don't know, sir, it was east of Greenleaf, southeast of Greenleaf.
~~Q--How could you have gathered cattle for them if you don't know?--A---~~
Q How far from the Walkingstick place? A Somewhere about the neighborhood.
Q You were there gathering them and ought to know? A I got them; I don't know particularly; they scattered about so we went every direction to get them.

Q Mrs. Mayfield was in Texas while you were here gathering these cattle? A Yes, sir, and then she came from Texas.
Q What did you do with the cattle? A I don't know.
Q You know what you did with them? A I put them where they could get them.
Q Where was that? A In some man's lot; I don't know.
Q You didn't put cattle in a man's lot that you don't remember the name of him? A Yes, sir, it was a long while ago.
Q Was it on the west side or the east side? A On this side.
Q Who received the cattle from the pens? A I think Charley and his father.
Q Do you know? A Yes, sir, they were the ones.
Q How many cattle did you gather? A I don't know how many there was.
Q One or more? A A good many head, I don't know, might have been.
Q How many were there, not what might have been? A I don't know any particular number; I will say a hundred head, of them, I reckon. I will ask you if all of this transaction didn't take place after the war and after Sallie and Walk Mayfield returned to Sequoyah district A No, sir.
Q And wasn't she and Walk Mayfield then living near where the town of Muldrow is now located, at the time you gathered these cattle? A I reckon so.
Q Didn't the cattle run on what is known as Sallisaw Creek, instead of Illinois River? A You are right.
Q The Sallie Mayfield that you have testified about, who was she? Q She belonged to the same people I did.
Q What relation is she to you, if any? A A cousin of mine, I guess. When all these people went south long before the war, I didn't go with them.
Q Since you thought it was Sallisaw Creek, instead of Illinois River, you are positive now that it was after Mrs. Mayfield returned from Texas that you gathered them? A I don't know; I won't talk any more on that.
Q She was living there near Muldrow? A Somewheres down there.
Q She was living down there? A I don't know whether it was there or in Flint.
Q Did she ever live in Flint after the war? A No, sir, she lived east this side of Gahlequah.

By the Commission:
Q When you came back from Texas did you have any family? A No, sir.
Q Just alone? A Just alone.
Q When the 1880 roll was made, did you have any family? A Yes, sir.
Q Give the names of your family at that time? A The woman I had at that time, her name was Susie.
Q Was she a citizen? A Yes, sir.
Q Did you have no children? A She had four.
Q What were their names? A One was named Lizzie and one was named Sallie, one was name Mary, one was named Dick.
Q That is all the children you had? A That is all she had; me and her had one.
Q Did you have any? A I had one.
Q What was its name? A Brew.
Q That is all the family you had in 1880? A Yes, sir.
Q In your original application you stated that you had three children, one named John and one Matthew and one named George, is that true or not? A Did you say 1880?
Q Yes, sir, that was about 20 years ago? A I had more children than that I had.
Q How many have you living now? A One.
Q What is his name? A George.
Q Have you had any others? A Yes, sir.

Q Name them? A Sarah Ruth, Vinnie, Ida, Tom.
Q Is that all the children you ever had? A They are the children that died and I had three others.
Q What were their names? A John and George and Matthew.
Q How old are they now, can't you tell? A No, sir.
Q Give any idea? A I can tell about the oldest boy, I believe, as near as I can——
Q That is George? A Yes, sir.
Q How old is he? A Somewhere in the neighborhood of 40 or 44.
Q You stated awhile ago that you didn't have any family when you came back from Texas with Mr. Fields? A I couldn't consider them.
Q Did you have any children? A We had some together, some died.
Q George? A Yes, sir, a baby at the time.
Q Were these three boys living with you when you in 1896? A Yes, sir, must have been.
Q Do you know how old they were then? A No, sir.
Q Did you try to have them enrolled in 1896? A Seemed that I did.
Q You don't remember? A No, sir, not exactly; I don't remember how everything passed off, but I knew I went to the enrollment in 1896, but how the matters was fixed and how I did that slipped my memory.
Q Are these boys about the same age or somewhere near it? A Yes, sir, a year's difference; the oldest is about two years between him and the next one.
Q Then was there any child between John and Matthew? A No, sir, there is about a year and a half difference between them.

Commission: On the 1880 authenticated Cherokee roll, in Illinois District, are found together the names of George, John and Matthew Mayfield, adopted colored, ages 14, 12 and 8, respectively, appearing opposite Nos. 1278, 1279 and 1280, respectively. These three children are enrolled by themselves.

Q Are these children, John, George and Matthews, your own children or your stepchildren? A My own.
Q What is the name of their mother? A Susie.
Q Is she a citizen? A Yes, sir, Judge Adair owned her.
Q How long has she been dead? A She has been dead, I reckon, somewhere in the neighborhood of 26 or 27 years, I reckon. I could not tell, but I just guess at it about that.

JOSHUA ROSS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joshua Ross.
Q How old are you? A 71 years old.
Q What is your postoffice address? A Muskogee.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.

By Mr. Hart:
Q You are acquainted with Amos Mayfield? A Yes, sir.
Q How long have you known him? A Positively I have known him since 1873.
Q Does your recollection go back any further than that? A It might, but I am not positive. I know I became acquainted with him in 1873.
Q Did you know the Mayfield family? A Yes, sir, Walker.
Q Did you know Sallie Mayfield? A I used to know, I suppose it was her husband, Mayfield, who went to Texas sometime before 1880.
Q Do you know whether or not the Mayfields were Cherokee citizens at the breaking out of the war? A Walker was.
Q How about the others? A Mrs. Adair was.

Mr. Davenport: We object to testimony as to the citizenship of

of any other than Sallie Mayfield through whom the applicant claims.
Commission: Objection noted. Witness may answer.

A I don't know that I ever met Sallie Mayfield, but I used to know the Mayfields, I suppose that was them; he was a merchant, and I know Walker Mayfield.
Q Knew him at the breaking out of the rebellion? A Yes, sir.
Q Was he then a Cherokee citizen? A Yes, sir.
Q And about the other Mayfields, do you know whether or not they were citizens at the breaking out of the rebellion? A I don't know about that; they were Cherokees I know.
Q Do you know where Amos Mayfield has lived since you knew him?
A He has lived here at Muskogee.
Q You have seen him often and on during all this time? A Yes, sir.

By Mr. Davenport:
Q Is he living in the Creek Nation or Cherokee Nation? A Creek Nation.
Q Was he living in the Creek Nation in '73, when you first got acquainted with him? A He was living here; he come from the Cherokee Nation.
Q Did you ever know his owner or his former alleged owner, Sallie Mayfield? A No, sir, only I heard there was such a person and knew her husband, Mr. Mayfield.
Q Did you know what his name was? A I don't remember; I know he was a merchant.
Q Was that before or after the war? A Before the war that I knew him.
Q How long before the war? A Must have been about '45 or '6, he was trading then on Sallisaw.
Q Sallisaw creek? A Yes, sir.
Q Did he continue there or sell out and move? A Continued there until he went to Texas.
Q Do you know about what year he went to Texas? A About '47 or '8, I don't know exactly.

By Mr. Hart:
Q At the time you knew Sallie Mayfield's husband he was a citizen of the Cherokee Nation, was he? A Yes, sir.

By Mr. Davenport:
Q That was before they went to Texas in 1847 or '8? A Yes, sir, 1845 or '6.

W. J. MOUNTS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A W. J. Mounts,
Q How old are you? A I will soon be 72.
Q Are you a citizen by blood of the Cherokee Nation? A No, sir/
Q State man? A Yes, sir.
Q Do you know the applicant in this case, George Amos, better known as Amos Mayfield? A I knew of an Amos Mayfield in Texas; it has been a long time ago; I would hardly know him now; he was young.

By Mr. Davenport:
Q Where were you living when the war broke out? A In Kentucky.
Q Did you move to any other state after the close of the war?
A Came to Kansas City just after the war.
Q Then where did you go? A Directly from there to Texas.
Q To what part of Texas? A From here to Tarrant County and from there to Rusk.

Q Did you ever know Mrs. Sallie Mayfield? A Yes, sir.
Q Where did you knew her? A I knew her in Rusk County, Texas.
Q Did you have any dealings with her? A Yes, sir.
Q What was that, Mr. Mounts? A I rented her farm and bought all her cattle and hogs and what farming implements she had on the farm.
Q That was in Texas? A Yes, sir, in Rusk County.
Q When was that that you did this? A About the 10th of January, 1867.
Q Where was Mrs. Mayfield living at that time? A On the farm.
Q Did she move away after that, if you know? A Yes, sir.
Q Did you learn where she went to? A She went to Sequoyah district about where Muldrew now is or between Muldrew and the old trail that used to run through.
Q Sequoyah district, Indian Territory? A Yes, sir.
Q Was any of the slaves there when you went to the Mayfield farm in 1867? A I couldn't say only for one; there was two, I bought brought the man that belonged to some of the Thompsons; he drove my team here and then I brought one of the Mayfield men with me.
Q Did you know any of the names of the slaves around there? A Some of them, yes, sir. It has been a long time; I brought a young fellow through that looked to be about 20, they called Amos Mayfield.
Q Where did he stay the most of the time when you went there? A The first I knew of him he was at Dr. Howell's about 1 1/2 miles from there.
Q What relation were Mrs. Mayfield and Howell? A Said to be a son-in-law.
Q Did Amos stay there during the year 1867 or not? A I would not be positive, I don't know.
Q Did you ever know any more of the Mayfield family? A Yes, sir, I knew her sons, Walter and Walk, they came with the old lady to the Cherokee country.
Q When did Walk and the mother, Sallie, leave Texas to come to the Nation? A In March.
Q Of what year? A 1867.
Q Did you ever see them after your return to the Cherokee Nation? A Yes, sir, I met them both after I come back here.
Q Have you ever seen Amos, the colored fellow, after you came to the Cherokee Nation? A Not to know him I haven't.
Q Walk Mayfield came with his mother to the Cherokee Nation after the war? A Yes, sir, they come by wagon up what is called the Texas trail.
Q When you went to Texas in January, 1867, where was Walk Mayfield living, if you know? A I couldn't tell you exactly; it has been so long, but it was three or four miles from the old lady's, rather in the direction of Red river.
Q You remember the dates by reason of the fact that you bought out the old lady's property there? A Yes, sir, I remember very distinctly.

By Mr. Hart:
Q Were you acquainted with the family of Judge Adair? A Not until after they come away.
Q They had left before you got there? A I think so.
Q Were you acquainted with Richard Fields? A After he came to this country.
Q He had left before you got there? A Yes, sir.
Q This Amos that was down there, you have never seen him before or since? A There was a young fellow there they called Amos, but I wouldn't know him now.
Q If this Amos Mayfield, the present applicant, had left there with the Adair and Fields family, it wasn't the Amos that you saw there in 1866? A No, sir.

L. B. BELL, being first duly sworn, testified as follows:

By Mr. Hastings:
Q What is your name? A L. B. Bell, 65 years old, and my postoffice is Vinita, Indian Territory.
Q You are one of the representatives of the Cherokee Nation, are you? A Yes, sir.
Q You have heard the testimony here of Amos Mayfield-and to the fact that he belonged to Sallie Mayfield before the war, have you? A Yes, sir, I heard that.
Q Did you know the Sallie Mayfield to whom he referred? A Yes, sir, I was acquainted with her.
Q Do you know where she was living when the war came up? A She was living in Rusk County, Texas, near a little town called Bellsview
Q Do you know how long she had been living there? A Since about '47.
Q Her husband was named Jess Mayfield? A Her husband was named Jesse Mayfield.
Q Do you know whether they resided there continuously from 1847 until after the war? A Yes, sir, a colony left here, Jess Mayfield, George Starr, John Harnage, George Harnage, and Franklin Thompson, they all went.
Q Did Jess Mayfield and his wife buy and own property in Texas before the war? A They took a big wad of niggers there and bought land.
Q They owned homes and farms? A Yes, sir, they owned farms.
Q Do you know whether or not Walk Mayfield was with them? A Yes, sir, he went with them, he took his entire family, sold his place out to Cale Starr, I believe it was.
Q You mean he sold his place in the Cherokee Nation to Cale Starr? A Yes, sir, he moved out of the Cherokee Nation the year before to Cane Hill, Arkansas, and went from there, from Cane Hill, Arkansas, out there; he lived right in the brake; right in Cane Hill.
Q Right in Cane Hill? A Yes, sir, and went from there to Texas. Jess Mayfield, himself, the old man, died in '57, two or three years before the war; we all belonged pretty much to the same family; we were all kin folks, the whole outfit that went down there. There was two Jess Mayfields went down there, the old one and young one.
Q Father and son? A No, sir, uncle and nephew, both white men; that young Jess married Miss Adair here and they separated and he went to Texas.

By Mr. Hart:
Q How old are you Mr. Bell? A I was 65 awhile ago, I guess I am; maybe a little older.
Q And you remember very distinctly when all these Cherokees left the Cherokee Nation? A Yes, sir, pretty well.
Q How old were you then? A I must have been eight or nine years old.
Q That is about 56 or '7 years ago? A Just take away 7 or 8 from 65 and you will have it.
Q You remember all the circumstances about them selling out and going to Arkansas and coming back and selling out his? A No, I didn't say he came back and sold his place. It was general rumor there that Cale Starr bought the place.
Q Isn't it a fact that the major portion of your testimonyabout the things that occurred there is rumor? A I am telling you what is rumor and what is fact.
Q I am asking you if it isn't rumor? A It isn't rumor that Cale Starr bought the place and lived ~~could-it-isn't-rumor~~ on it; and it isn't rumor that ~~Amos~~ Mayfield moved to Cane Hill, Arkansas, and it is not rumor that he went off to Texas in a year or so and it is not rumor that he lived and died there.

Q Were you living in Texas at the time? A Yes, sir most of the time. My folks moved there and we had a plantation there; I stayed there three years.
Q During what period? A '53, '4 and '5.
Q You were about? A 14 or 15 years old.
Q How far did you live from where the Mayfields lived? A About five miles; we had the same postoffice.
Q Then you came back to the Cherokee Nation and remained here ever since? A No, sir, I came back and stayed a year or two and went back.
Q During the war? A No, sir, I went there about twice before the war and come back and when the war come on I moved my family there down to my home, and I lived there the balance of '62 '3 '4 and '5 and '6.
Q The Mayfields left here along in 1847? A About.
Q And the old man died there in 1856? A '57, I think it was.
Q You answered Mr. Hastings that Mr. Mayfield and Mrs. Mayfield all located down there, do you know anything about Mrs. Mayfield buying land there? A She come in possession of land there and under the laws of Texas she had a pretty goo hold on what Mayfield bought.
Q Answer my question? A I don't know that they bought land; they acquired it and had possession of it, and she told me she had sold it.
Q Did you know Mrs. Mayfield before she left the Cherokee Nation? A I have known her ever since I can recollect.
Q Was she a Cherokee citizen? A She was a Cherokee, I suppose she was a citizen when she was here.
Q Walker Mayfield, how long did he remain in Texas? A He come back here probably in 1855 or '6, somewheres along there, and married old Dick Blackburn's daughter, down here on the river.
Q And made his home there? A Yes, sir, up until the war, I guess. I saw him in '61 or '2.
Q Went to Texas again about 1862? A Probably in the winter of '62.
Q You were not living in Texas after the close of the war , were you? A Yes, I was in the Confederate Army for about four years; and in '65 we broke up there and quit.
Q Do you remember the time when Judge Adair and Richard Fields left Texas for the Cherokee Nation? A I think it was along in '66 they left; they lived five or six miles from me; it seems to me that it was a while before I left.

EZEKIEL E. STARR, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ezekiel Starr, Ezekiel E. Starr.
Q How old are you? A 55.
Q What is your postoffice address? A Tahlequah.
Q You are a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant in this case, Amos Mayfield? A No, I don't know him.
Q Did you ever know him? A I don't recollect.

By Mr. Davenport:
Q Where were you living before the war? A In Texas.
Q Did you ever know a Mrs. Sallie Mayfield and her husband before the war, the one that had a daughter named Vick and a son named Walker? A Yes, sir, she was an aunt of mine.
Q Where did she live from where you lived in Texas? A About six miles sorter southeast of where I lived.
Q Where was she living at the breaking out of the war? A There in Rusk County, Texas.

Q Do you know about how long she had been living in Texas? A I was born there in 1849 and my understanding from father was that they come there in 1847.
Q Had she been living in Texas since you could recollect? A Yes, sir.
Q Do you know whether or not they owned a plantation there and had personal property there in Texas there before the war? A Yes, sir.
Q Do you know whether or not they had any property in the Cherokee Nation before the war, after they moved to Texas? A No, sir, I don't know.
Q Do you know whether or not they had owned property here and disposed of it? A I had always been told that they owned property here and sold it before they went to Texas.
Q Do you know after you got big enough to recollect of their having property here during the time they lived in Texas? A No, sir, I don't know of their having any.
Q Did they have slaves in Texas? A Yes, sir, a good many.
Q Do you remember the names of any of them? A Some of them I remember.
Q What were their names? A She had some niggers, had two named Rob, had a Jonas, and I don't remember all their names; I was small then; she had several niggers, though.
Q Do you know when she came back to the Cherokee Nation after the war? A Not exactly, my recollection is she come back about 1867.
Q Did you know whether or not she was a recognized citizen when she came back to the Cherokee Nation? A I don't know.
Q Do you know whether or not she ever applied to be readmitted after she came back?

Mr. Hart: We object to that.
Commission: Objection noted.

A No, I don't know.
Q But to your knowledge Sallie Mayfield and her husband were living in Texas when you could first remember? A Yes, sir.
Q And you were born in what year? A 1849.
Q Was her husband living at the breaking out of the war? A No, sir, he was dead.
Q What was her husband's name? A Jess Mayfield.

By Mr. Hart:
Q Where were you born? A I was born in Texas.
Q And your first recollection would not be much prior to the war, would it? A I was born in 1849.
Q You would be about 10 or 11 years old, and that would be about the first time you could recall anything clearly, wouldn't it? A No, sir.
Q How far did you live from the Mayfields? A About six miles.
Q And by that you knew that they were living in Texas from the time you recollect up until the war? A Yes, sir.
Q Your recollection wouldn't begin earlier than when you were five or six years old? A Of course I can recollect---
Q That would be about 1854 or '5, when your recollection commenced? A Yes, sir, somewheres along there.
Q How long after that did Jess Mayfield die? A I don't know just when he died.
Q Did you know Walker Mayfield? A Yes, sir.
Q Do you know when he came back to the Cherokee Nation? A No, sir.
Q The Mayfield's may have had all kinds of property up here in the Cherokee Nation so far as you know? A I never heard them say they had any.
Q And you never heard them say they hadn't any? A No, sir.

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COMMISSION TO FIVE TRIBES.

Q So far as you know they might have owned half the Cherokee Nation?
A Yes, sir.
Q As a matter of fact didn't Walker Mayfield take personal property back with him? A I expect he did.
Q He took niggers? A I guess so.
Q They were considered personal property? A Yes, sir.
Q Do you know whether he brought Amos back with him? A I can't tell you.
Q I mean the time that Walker Mayfield came up to live in the Cherokee Nation before the war? A I don't know whether he brought any niggers then or not.
Q You were too small to remember these things? A Yes, sir.
Q Your recollection about his coming back is just hazy? A Yes, sir.
Q And all of the proceedings preceding is just hazy? A No, sir. I recollect Mr. Mayfield, her husband.
Q And that is all you recollect? A Yes, sir.

By Mr. Davenport:
Q Your recollection is not so hazy that you can't remember whether you were living in Texas or the Indian Territory?--A before the war broke out? A I know we lived in Texas.
Q And the family had been living there for several years before the war? A Yes, sir.
Q Do you know whether or not Sallie Mayfield owned any slaves at the breaking out of the war? A Yes, sir, she owned several of them.

By Mr. Hart:
Q So far as you know some of them might have been in the Indian Territory? A I don't suppose they were.

Commission: Continued by agreement until September 21, 1904.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 16th day of December, 1904.

Charles D Sawyer
Notary Public.

IN THE MATTER OF THE APPLICATION OF

[illegible]

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original [illegible] May 11, 1900.
B. Memo of application May 11, 1900
C. Notice of [illegible].

CANCELLED

Cher Fr R 7

Cher Fr R 7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by William Gross, for himself, and for Hattie and Ni Gross.

William Gross, being duly sworn, testified as follows:

Mr. Bixby: What is your name?

A - William Gross.

Q - How old are you? A - About 31.

Q - Which district do you belong to? A - Canadian.

Q - How long have you been living in the Cherokee Nation?

A - Now about five years.

Q - Have you lived there continuously for the last five years?

A - Yes, sir.

Q - What is your post office? A - Muskogee.

Q - What is your father's name? A - Richard Gross.

Q - Is he living or dead? A - Living.

Q - Is he a Creek Freedman? A - No, sir.

Q - What is your mother's name? A - Laura Gross.

Q - Is she living? A - yes, sir.

Q - Is she a Cherokee Freedman? A - Yes, sir.

Q - To whom did she belong?

A - Jesse Allen Thompson.

Q - Are you married?

A - No, sir, but I have been married.

Q - What is your wife's maiden name, before you married her?

A - Letty Philgere, but she is dead.

Q - Was she a Cherokee? A - No, sir.

Q - Did she belong to any Indian Tribe? A - No, sir.

Q - Have you any children? A - Yes, sir.

Q - Give us the names and ages of your children.

A - The oldest is Hattie, about 7, and a boy named Ni, about

-2-

by and one named Richard is about 6.

We must advise you and your attorney, for the reason that your name is not on the aforementioned roll of 1896.

Department of the Interior

Commission to the Five Civilized Tribes

[illegible]

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FORWARDING LETTER OF

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MAY 11 1900

6, and one named Richard is about 6.

We must refuse to enroll you and your children, for the reason that your name is not on the authenticated roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

Bruce E. Jones

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MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

CHEROKEE FREEDMAN

IN THE MATTER OF THE APPLICATION OF

William [illegible] et al

FOR E[illegible]T AS

CHEROKEE FREEDMEN

A. Original te[illegible] May 11, 1900
B. Mem of application May 11. 1900
C. Notice of [illegible]g.

CANCELLED

Cher Fr R 8

Cher Fr R 8

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee Freedman by
Ben French.

Ben French, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Ben French. I know I wasn't on the 1880 roll; I was in Hot Springs in 1880.

Q - How old are you? A - I will be 49 the 30th of June.

Q - To which district do you belong? A - Illinois.

Q - How long have you been living in the Cherokee Nation?

A - I have been living in Muscogee 16 years. Came from Gibson here.

Q - Have you been outside the Territory the last two or three years? A - No, sir, not to live. I went to Fort Smith for a visit of about a month or six weeks.

Q - What is your post office? A - Muscogee.

Q - You say you are not on the 1880 roll?

A - I know I wasn't for I wasn't here.

Q - What was your father's name?

A - White, but they enrolled me by my owner's name.

Q - Is he living or dead? A - Dead.

Q - Was he a Cherokee Freedman? A - No, sir.

Q - What was your mother's name? A - Maria French.

Q - Is she living or dead? A - She is dead.

Q - Was she a Cherokee Freedman? A - Yes, sir.

Q - To whom did you belong?

A - Bob French.

Q - Are you married? A - Yes, sir.

Q - What is your wife's name? A - Mandy Jane.

Q - Is she a Cherokee? A - No, sir.

Q - Belong to any Indian Tribe? A - No, sir.

Q - Does she claim citizenship in any tribe? A - No, sir.

Q - Have you any children? A - No, sir.

Q - Have you drawn any money as a Cherokee?

A - Yes, sir, I drew the last $15.80 paid out at Bragg Station, under the Wallace roll.

Q - Were you here at the time of the war? A - yes, sir.

Q - Did you go out of the Territory at that time?

A - yes, sir.

Q - When did you come back?

A - Between 65 and 66. I was in Gibson [illegible]

Q - You returned to the territory?

A - Yes, sir, between 1865 and 1870. I remained living on Cabin Creek in May, 1868.

Q - -----o-----

Your enrollment is refused for the reason that your name is not found on the roll of 1880.

-----o-----

Department of the Interior,

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MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

Q - Belong to any Indian Tribe? A - No, sir.

Q - Does she claim citizenship in any tribe? A - No, sir.

Q - Have you any children? A - No, sir.

Q - Have you drawn any money as a Cherokee?

A - Yes, sir, I drew the last $15.50 paid out at Bragg Station, under the Wallace roll.

Q - Were you here at the time of the war? A - yes, sir.

Q - Did you go out of the Territory at that time?

A - yes, sir.

Q - When did you come back?

A - Between 65 and 66. I was in Gibson in 1866.

Q - You returned to the territory?

A - Yes, sir, between 1865 and 1866. I remember being at Cabin Creek in May, 1866.

Q - -----o-----

Your enrollment is refused for the reason that your name is not found on the roll of 1880.

-----o-----

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce C. Jones

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COMMISSION TO THE FIVE CIVILIZED TRIBES

ENROLLMENT REFUSED CHEROKEE FREEDMAN R 8

IN THE MATTER OF THE APPLICATION OF

Ben Grundy

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELLED

Original Test. May 11, 1900.
Memo of application May 11, 1900
Notice of [illegible]

[illegible]

Copy of testimony filed with Tribal Atty.

Cher Fr R 9

Cher Fr R 9

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Jennie Miller.

Jennie Miller, being duly sworn, testified as follows:

Mr. Bixby: What is your name?

A - I was registered last by the name of Jennie Gentry.

Q - What is your name now? A - Jennie Miller.

Q - How old are you? A - 41.

What district do you belong in? A - Tahlequah.

Q - How long have you been living in the Territory?

A - All my life.

Q - What was your name in 1880. A - Jennie Lasley.

Q - Ever go by any other first name?

A - Jane, or Jennie.

Q - Which is your real name? A - Jennie.

Q - What district do you belong in?

A - Tahlequah; it used to be Illinois; I think it was changed from Illinois to Tahlequah.

Q - How old are you?

A - 41; I don't know exactly, but that is what I am supposed to be. I will explain why my name aint on the roll. In 1880, when we were taking the census [illegible] I was in Tennessee, and when I came home they had passed that district and the census taken. I sent it to council, and I drew the money by sending the order, and I supposed it was on the roll. My maiden name was Duncan, and they might have put it down that way. I didn't go to council to have my name put on, my brother went, and I don't know how they did take it.

Q - There is no Duncan. There is no Jennie Lasley that corresponds with your name and district and age. Of course it might have been a mistake, but I can't help about that. You think your

name was on the roll of 1880?

A - I know it was. I drawed the money.

Q - How much was that money?

A - $14 or $15.

Q - How long have you been living in the Cherokee Nation?

A - Born and raised there, and lived there all my life.

Q - Been outside of the Territory in the last two or three years? A - No, sir.

Q - What is your post office? A - Muskogee now.

Q - What was your father's name?

A - Banje Lasley.

Q - Is he living or dead?

A - He died before I can remember.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - In what district did he belong?

A - I don't know, sir, I guess he lived in the Flint District.

Q - Who was your father's owner? A - Bill Lasley.

Q - What was your mother's name?

A - Hannah Lasley.

Q - Is she living? A - Yes, sir.

Q - Is she a Cherokee Freedman? A - Yes, sir.

Q - To whom did she belong? A - Bill Lasley.

Q - Are you married? A - Yes, sir.

Q - What was your husband's name?

A - N. B. Summer.

Q - Is he a Cherokee? A - No, sir.

Q - Have you any children? A - No, sir.

Q - Have you any brothers older than you?

A - Yes, sir, Columbus Lasley.

Q - He didn't have any children in 1880, did he?

A - Yes, sir.

Q - Was he married to a Cherokee? A - Yes, sir.

Q - What were his children's names?

A - One married Hall, Jewell, Kans; Texas, Okla, Oklahoma, and Annie.

Q - Do you know who the [illegible] A - Yes, sir.

Know Andy Dudley and Lola Dudley. Andy is dead now.

Q - [illegible]

A - I [illegible]; and just before the last payment.

Q - Did he [illegible]

A - No, sir.

[illegible] Our time [illegible] as found on the [illegible].

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COMMISSION ON CIVIL RIGHTS
Received in the Department

A - One named Will, Pearl, Mary, Tommy, Ola, Columbus, and Annie.

Q - Do you know who Geo. W. Lasley was? A - No, sir. I knew Andy Lasley and Lake Lasley. Andy is dead now.

Q - When did Andy die?

A - In 1896 or 1897; died just before the last payment.

Q - Did he have any children in 1896?

A - No, sir.

Your enrollment is refused for the reason that your name is not found on the roll of 1896.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce B. Jones

MAY 11 1900
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

ENROLLMENT REFUSED

R9

CHEROKEE FREEDMAN

IN THE MATTER OF THE APPLICATION OF

Jessie Miller

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

1. Original testimony, May 11, 1900.
2. Memo of application, May 11, 1900.
3. Notice of refusal

CANCELLED

Cher Fr R 10

Cher Fr R 10

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee Freedman by
Polly Thompson.

Polly Thompson, being duly sworn, deposed as follows:

Mr. Bixby: What is your name. A - Polly Thompson.

Q - What name did you have in 1896? A - Polly Thompson.

Q - Are you sure your name was Thompson in 1896? A - Yes, sir.

Q - Did you ever have any other name than Polly?

A - No, sir.

Q - How old are you?

A - I guess I am about 47.

Q - In which district do you reside? A - Illinois.

Q - How long have you been living in the Cherokee Nation?

A - Lived there all my life.

Q - Not been outside for the last two or three years?

A - No, sir.

Q - What is your post office? A - Muskogee.

Q - Do you think your name is on the Roll of 1896?

A - I don't know whether it is or not.

Q - Who was your owner ? A - Bluz Alberty.

Q - Who was your father's owner? A - John Martin.

Q - Is he living or dead? A - Dead.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - What district did he belong to?

A - I don't know, sir.

Q - Who was your father's owner? A - Lucy Martin.

Q - What was your mother's name?

A - Peggy Alberty.

Q - Is she living or dead? A - Dead.

Q - Was she a Cherokee Freedman?

A - Yes, sir, she was a Cherokee Freedman. Yes, sir, she be-

longed to Miss Almuty.

Q - Are you married? A - Yes, sir.

Q - Is your husband a Cherokee?

A - No, sir, a mixed Creek citizen.

Q - Have you any children? A - Yes, sir.

Q - Are they under age?

A - No, sir, all of age.

Q - How old are they?

A - The oldest is 25.

Q - The youngest is how old? A - 23.

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We may refuse your enrollment for [illegible] you is not found on the authenticated roll of 1880.

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FILED
MAY 17 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
MAY 17 1900
FILED

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true, full and correct translation of my shorthand notes.

[illegible]

longed to Blue Alburty.

Q - Are you married? A - Yes, sir.

Q - Is your husband a Cherokee?

A - No, sir, a United States citizen.

Q - Have you any children? A - Yes, sir.

Q - Are they under age?

A - No, sir, all of age.

Q - How old are they?

A - The eldest is 26.

Q - The youngest is how old? A - 18.

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We must refuse your enrollment for the reason that your name is not found on the authenticated roll of 1880.

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Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Susan B. Jones

MAY 11 1900
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
MAY 11 1900
FILED

Freed D 850

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Polly Thompson, R 10;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Reed Fullmire, Dalton, et Cherokee Nation, on file in the Court of Claims in the matter of the Cherokee Nation if it is desired to do so.

W. V. Peebles

The Cherokee Nation hereby most strenuously objects to the allowance of this petition or to the granting of this request for the reason that [illegible] have had ample opportunity to file their case in chief and that they cannot be allowed to make out their case by [illegible] and that notice was given them at the [illegible] that the cases would be closed as to the testimony on behalf of the special permission of the firm of attorneys representing these applicants, on the first day of May, 1902, and that this being the first day of May, 1902, [illegible] under the ruling of the Commission, and under the agreement between the attorneys that the testimony in all these cases is to be closed and should be closed by the Commission and that no extension should be granted in any case and no case re-opened unless it be done by mutual consent [illegible] by the Cherokee Nation on the one side or the applicants on the other or extension of time necessary or desired.

The Commission

The act provides [illegible] Cherokee freedmen shall be made on or before the [illegible] the decree of the Court of Claims rendered the 11th day of [illegible] 1902, and as the Commission must have [illegible] of the final roll of said Court in the [illegible] and [illegible] of the [illegible] be denied.

[illegible] Commission [illegible] the Commission [illegible] the proceedings in the above case and [illegible] is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) E. C. Hewitt,
Notary Public.

(SEAL)

I, E. C. Rothenberger, a stenographer employed in the [illegible] Cherokee Tribe, on oath do say that the above and foregoing is a true and perfect copy of the original testimony taken in the above entitled case as taken and filed with the Commission, which copy was made

(Signed)

[illegible] this 14th day of June, 1902.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most stramuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter

Notary Public.

CHEROKEE FREEDMAN
ROLLMENT REFUSED.

R 10

IN THE MATTER OF THE APPLICATION OF

Polly [illegible]son

FOR E[illegible]NT AS

CHEROKEE FREEDME

Original testimony, May 11, 1900.
Memo of application, May 11, 1900
Notice of rehearing.
Receipt for testimony

CANCELLED

Cher Fr R 11

Cher Fr R 11

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the applications for enrollment as a Cherokee Freedman by
Mila Rogers.

Mila Rogers, being duly sworn, testified:

Mr. Bixby: What is your name?

A - Mila Rogers.

Q - How old are you? A - 37 years old.

Q - What is your post office? A - Muscogee.

Q - How long have you lived in the Cherokee Nation?

A - Ever since I was born till ya came over here.

Q - When did you come over here?

A - Six or seven years ago.

Q - To which district do you belong? A - Coowescoowee.

Q - Do you think you are on the roll of 1880?

A - I think so.

Q - In which district were you enrolled in 1880?

A - Coowescoowee.

Q - Were you a slave?

A - No, sir, Mamma was.

Q - What was your father's name? A - Ed London.

Q - Is he living or dead? A - he is living.

Q - Is he a Cherokee Freedman?

A - No, sir, a Creek.

Q - Do you know who your father's owner was?

A - I don't know that.

Q - Who was your mother's name? A - Sarah Rogers.

Q - Is she living? A - Yes, sir.

Q - Is she a Cherokee Freedman? A - yes, sir.

Q - Was she a slave? A - Yes, sir.

Q - To whom did she belong? A - To the Rogers.

Q - Are you married?

A - I have been [illegible], my husband got killed on the road.

Q - Was he a Storekeeper? A - Yes, sir, he was a storekeeper.

Q - Have you any children? A - No, sir.

Q - What was your name in 1900?

A - Ella London, I was called so by papa's name.

Q - Did you ever go by any other name than London?

A - No, sir; no other name than London.

Q - Do you know any other name besides London, did you know any other in 1900? What was your name in 1900?

A - My name was London.

Q - You didn't go by any other name?

A - We went by papa's name, and that was London.

Q - I don't find your name on the roll. Did you draw any payment money? A - Yes, sir.

Q - What money did you draw?

A - We drew that scrip money.

Q - [illegible] A - Yes, I think.

Q - Was that the only payment you ever drew?

A - Maybe and then drawed more than I wasn't sure.

Q - Did you ever go by any other Christian name besides Ella?

A - No, sir, I never was by any other name; it is the only name I have.

We must refuse your enrollment, for the reason that your name is not found on the authenticated roll of 1906. We can make a card for you, to go up to the Secretary.

Q - Was he a Cherokee? A - No, sir, he was a state man.

Q - Have you any children? A - No, sir.

Q - What was your name in 1880?

A - Ella London; they called me by papa's name.

Q - Did your papa go by any other name than London?

A - No, sir, no other name than London.

Q - Do you know any other name besides London, did you know any other in 1880? What was your name in 1880?

A - My name was London.

Q - You didn't go by any other name?

A - We went by papa's name, and that [redacted] were called London.

Q - I don't find your name on the roll. Did you ever draw any payment money? A - Yes, sir.

Q - What money did you draw?

A - We drew that strip money.

Q - How much was that? A - $300, I think.

Q - Was that the only payment you ever drew?

A - Mamma and them drawed once when I wasn't here.

Q - Did you ever go by any other Christian name besides Ella?

A - No, sir, I never went by any other name; it is the only name I know.

We must refuse your enrollment, for the reason that your name is not found on the authenticated roll of 1896. We can make a card for you, to go up to the Secretary.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as Stenographer to above named Commission, that the foregoing is a true, full and correct translation of my stenographic notes.

Clarence B. Lewis

ENROLLMENT REFUSED

CHEROKEE FREEDMAN. R 11

IN THE MATTER OF THE APPLICATION OF

Ella Rogers

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELED

1. Original testimony, May 11, 1900
2. Memo of appeal, May 11, 1900
3. Notice of rehearing.

Cher Fr R 12

Cher Fr R 12

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Bettie Rogers, for herself and children, Henry, Berta, Clara, Battie, Helena, and Odee Rogers.

Bettie Rogers, being duly sworn, deposed as follows:

Mr. Kirby: What is your name? A - Bettie Rogers.

Q - How old are you?

A - I don't know exactly; I was born in slavery time.

Q - What is your post office?

A - Muscogee.

Q - How big a girl were you when the war broke out?

A - I was big enough girl to know when freedom was.

Q - Were you 10 or 15 years of age?

A - I might have been; I was old enough to know.

Q - What district do you belong to? A - Tahlequah.

Q - How long have you been living in the Territory, in the Creek Nation?

A - Born and raised there.

Q - Been there all your life? A - Yes, sir.

Q - Been living outside the Territory during the last two or three years? A - No, sir.

Q - Do you think your name is on the roll of 1880?

A - Yes, sir.

Q - From which district were you enrolled? A - Tahlequah.

Q - Who was your owner? A - Louis Rogers.

Q - What was your father's name? A - Charlie.

Q - Is he living or dead? A - Dead.

Q - What district did he belong to?

A - Delaware [illegible] in Delaware.

Q - Was [illegible] your father's owner?

A - Rogers, but not the same Rogers.

Q - What was your mother's name? A - Sarah Rogers.

Q - Is she living? A - Yes, sir.

Q - Was she a Cherokee by blood? A - Yes, sir.

Q - What did she belong to? A - Eagle Nigara.

Q - Are you married?

A I been married, but we separated six years ago.

Q - Is your husband a Cherokee?

A - No, sir, a white man.

Q - Have you any children? A - Yes, sir.

Q - Under age? A - Yes, sir.

Q - What are the names of your children and ages?

A - Rose, about 17, Berta about 15, [redacted] 4 years old, Helena about 3, and Glen, about 2 years old.

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We must refuse your enrollment for the reason that you do not appear upon the authenticated roll of 1880.

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Department of the Interior,

Commission to the Five Civilized Tribes

[illegible]

[illegible]

[illegible]

Q - Is she living? A - Yes, sir.

Q - Was she a Cherokee freedman? A - Yes, sir.

Q - Who did she belong to? A - Lewis Rogers.

Q - Are you married?

A I been married, but we separated six years ago.

Q - Is your husband a Cherokee?

A - No, sir, a state man.

Q - Have you any children? A - Yes, sir.

Q - Under age? A - Yes, sir.

Q - What are the names of your children under age?

A - Henry, about 17, Berta about 15, Clara about 12, Hattie 6 years old, Helena about 3, and Glen, about 4 years old.

We must refuse your enrollment for the reason that your name does not appear upon the authenticated roll of 1896.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce C. Jones

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

ENROLLMENT RECORD

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Bettie Rowe et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELLED

Original testimony, May 11, 1900.
Memo of application, May 11, 1900.
Notice of rendering.

This packet contains
application
testimony

Copy of testimony filed
with Dawes Roll.

12

Cher Fr R 13

Cher Fr R 13

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee freedman by
Susan Vann.

Mr. Bixby : What is your name?

A - Susan Vann.

Q - How old are you?

A - In my time they didn't teach me to read. I am an awful old woman, I aint no child.

Q - How old were you when the war broke out?

A - Grown woman, raised a family; had all the children I was to have before the war broke out.

Q - What is your post office address?

A - Over here at home my post office is at Wagoner.

Q - Where do you live?

A - With one of my nephews, Bill Grimmett; I am a widow woman, no children nor no husband.

Q - Do you live in the Cherokee Nation? A - Yes, sir.

Q - How long have you been living in the Cherokee Nation. Were you living in the Cherokee Nation before the war?

A - yes, sir.

A - Have been living there ever since?

A - No, my boss sent me to Texas before the war.

Q - When did you come back?

A - I left Texas the fall of 1866.

Q - Have you been living outside the Cherokee Nation during the last two or three years?

A - No, sir, I have been living in Flat Rock.

Q - Which district do you belong in?

A - Whatever they call Flat Rock, I think the Sccccccccccc.

Q - Is your name to be found on the 1880 roll?

A - I don't know, sir, there it is.

Q - Have you always been enrolled in the same district?

A - I was once enrolled at Tahlequah and I was enrolled at Ft. Gibson, and I was enrolled at -

Q - Have you always belonged to the same district?

A - Yes, sir, my old master lived in the same district.

Q - Were you a slave? A - Yes, sir.

Q - Who was your owner?

A - Old Joe Vann, used to be the delegate to Washington.

Q - What was your father's name? A - Ben Vann.

Q - Is he living or dead? A - He is dead.

Q - Was he a Cherokee Freedman?

A - Yes, sir, he belonged to the same man.

Q - He belonged to the Coowescoowee district too?

A - Yes, sir, of course, we all lived there, where we lived is the Coowescoowee district.

Q - What was your mother named? A - Harriett Vann.

A - Is she dead? A - yes, sir.

Q - Was she a Cherokee Freedman? A - yes, sir.

Q - Who was your mother's owner? A - Old Joe Vann.

Q - Are you married?

A - No, sir, I am a widow woman.

Q - Was your husband a Cherokee?

A - yes, sir, Charles Vann; the same man owned him that owned me.

Q - How long has he been dead?

A - He must have died before the war; I heard he was dead. He died in the states somewhere.

Q - You have no children?

A - No, sir, all my children are dead; I am just alone.

Q - Did you come from Alabama?

A - I can't remember that; I don't know anything at all about that.

Q - Did you ever go by any other name besides Susan Vann?

A - Never had any other name. No, sir, just Susan Vann.

Q - Were you ever enrolled in the Illinois district of the Sequoyah district?

A - I was enrolled at Tahlequah, I don't know what kind of district that was.

Q - What moneys did you ever draw?

Q - Draw for that Cullman money.

A - No, sir, and when I went to draw before they said my name wasn't on there.

Q - You didn't draw the Guyon money?

A - No, sir I didn't draw the Guyon money.

We will have to refuse your enrollment, for the reason that your name is not found on the roll of 1880, the basis of the roll of 1896.

Department of the Interior,

Commissioner.

FILED
MAY 11 1900
IN THE MATTER OF THE APPLICATION OF
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MAY 11 1900

Q - Were you ever enrolled in the Illinois district or the Sequoyah district?

A - I was enrolled at Tahlequah, I don't know what the district was.

Q - What moneys did you ever draw?

Q - Drew for that Wallace money.

A - No, sir, and when I went to draw before they said my name wasn't on there.

Q - You didn't draw the script money?

A - No, sir, I didn't draw the last money they drew.

We will have to refuse your enrollment, for the reason that your name is not found on the roll of 1880, the authenticated roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce C. Jones

ROLLMENT REFUSED.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION O 13

Susan Vann

FOR ENRO[illegible] AS

CHEROKEE FREEDME

CANCELED

1 Original testimony May 11 1900

2 Mems of application " 1900

3 Notice of hearing

Copy of testimony and

Cher Fr R 14

Cher Fr R 14

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Julia Humphries, for herself, and for Simpson and Louise Loines.

Julia Humphries, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A - Julia Humphries.

Q - How old are you? A - 25.

Q - What is your post office address? A - Muskogee.

Q - Where do you live?

A - I live here at Muskogee.

Q - Did you ever live in the Cherokee Nation? A - Yes, sir.

Q - How long?

A - I have been there all my days until about ten years ago.

Q - Where have you been living during the last ten years?

A - Here in Muskogee.

Q - Have you resided outside the Territory during the past three years?

A - No, sir.

Q - To which district do you belong? A - Illinois.

Q - Do you know if your name is to be found on the 1880 roll?

A - I was in the last payment.

Q - What was your father's name?

A - Dick Humphries.

Q - Is he living? A - No, sir, he is dead.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - To which district did he belong? A - Illinois.

Q - Who was your father's owner? A - Nina Alberty.

Q - What was your mother's name?

A - Louisa Alberty.

Q - Is she living or dead? A - Dead.

Q - Was she a Cherokee Freedman? A - No, sir.

Q - State why?

A - No, sir; a Cherokee. She died when I was three years old.

Q - Who was your mother's owner?

A - Dallas Thompson.

Q - Are you married?

A - I am not now; I have been married.

Q - Was your husband a Cherokee?

A - No, sir, a Creek.

Q - Have you any children under 21 years of age?

A - I have got two.

Q - What are their names?

A - Simpson Holmes and Louise Holmes. [illegible] Louise is eight.

Q - You [illegible] married a man named Humphries?

Q - Yes; old Dick Humphries.

Q - How long ago?

A - I don't know how long ago; she died when I was two years old. Hollie Humphries was my step-mother.

Q - How old were you before your father died?

A - He has been dead about four years.

Q - About how old a man was he when he died?

A - I don't know how old he was.

Q - Were you ever on the Cherokee roll?

A - No, sir; I never knew any of that. [illegible] was three years old.

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COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
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A - No, sir, a Cheetaw. She died when I was three years old.

Q - Who was your mother's owner?

A - Giles Thompson.

Q - Are you married?

A - I am not now; I have been married.

Q - Was your husband a Cherokee?

A - No, sir, a Creek.

Q - Have you any children under 21 years of age?

A - I have got two.

Q - What are their names?

A - Simpson Loines and Louise Loines, [illegible] and Louise is eight.

Q - Your mother married a man named Humphries?

Q - Yes, sir, Dick Humphries.

Q - How long ago?

A - I don't know how long ago; she died when I was three years old. Nellie Humphries was my step-mother.

Q - How old were you before your father died?

A - He has been dead about four years.

Q - About how old a man was he when he died?

A - I don't know how old he was.

Q - Were you ever on the Cheetaw roll?

A - No, sir, I never drew any on that. My mother died when I was three years old.

We are obliged to refuse your enrollment for the reason that your name is not found on the authenticated roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that the transcript is a true, full and correct translation of my stenographic notes.

Bruce C. Jones

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN. R 14

IN THE MATTER OF THE APPLICATION O

Julia Humphreys et al

FOR ENROLLMENT AS

CHEROKEE FREEDME

1. Original testimony. May 11, 1900.
2. Memo of application. May 11, 1900.
3. Notice of rehearing.

April 23, 1901 docket cancelled.
See [illegible] Freedman
docket [illegible]
[illegible]

CANCELED

Copy in testimony filed
with [illegible]

Cher Fr R 15

Cher Fr R 15

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee Freedman by Susie Harrison, for herself, and for Hetty, Laura, Silvie, Ella, Pheonix, Coodie, Freeman, Nettie, Washington and Dewey Harrison.

Susie Harrison, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?
A Susan Vann, I went by.
Q ~~Mxxxxldxxrsxyxxx~~ What is your name now? A Susie Harrison.
Q How old are you?
A I think I am about 37 or 38; I don't know how old I am; the Commissioners is the only one can tell me that.
Q What was your name about twenty years ago? A Susan Vann.
Q What was your post office address? A I did get letters here at Muskogee and I gets letters to Ridge since I married.
Q Your post office address is Ridge? A I live about 18 or 20 miles southwest.
Q How long have you been living here? A About 18 or 20 years.
Q How long have you been living in the Indian Territory?
A I have been living all my life in the Cherokee Nation. I came over here and married a citizen.
Q Have you resided outside the Territory in the last three years? A No, sir.
Q Which district do you belong to? A Cooweescoowee.
Q Is your name on the 1880 roll?
A No, sir. I was called in and when they would come and enroll me they would say my name wasn't on the roll, and I didn't ask for my rights till I was married, and then I did because I know I was a Cherokee.
Q You were not enrolled in 1880?
A Pollie Archie she told me to make out an affidavit and told me to take it before the Commissioners; that she knowed my mother and I had as much right as any colored freedmen.
A Have you got that affidavit? A Yes, sir.
Q Were you a slave? A My mother was; I was a descendant.
Q What was your father's name? A I don't know my father; never did know my father.
Q Is he living or dead? A He is dead.
Q Was he a Cherokee Freedman? To which district did he belong.
A I don't know, sir.
Q Who was your father's owner? A Polly Archie.
Q What was your mother's name? A Rose Archie; she went by the name of Rose Vann until she was married.
Q Is she dead? A Yes, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Who was your mother's owner?
A Polly Archie. Old Joe Vann was her first master, and Polly Archie is Joe Vann's daughter.
Q Are you married? A Yes, sir.
Q What is the name of your husband? A John Harrison.
Q Is he a Cherokee? A He is a Creek.
Q Have you any children under 21 years of age?
A No, sir, my oldest girl is 18, and I am the mother of ten children.

Q You have lots of children under age? A Yes, sir.
Q Give us their names and ages?
A Hetty is 18, Laura is 16, Silvie is 15, Ella is 13, Phoenix is 11, Coodie is 9, Freeman 7, Nettie 6, Washington 3, and Dewey 1.
Q Do you know who Jesse Vann is? A A first cousin of mine.
Q Who is Synthia? A First cousin too.
Q Did they have a child named Susan? A I don't know, sir.
Q Who is George Vann? A A First cousin of mine.
A Did he have a wife named Susan? A Not that I know of.
Q Got a wife has he? A Yes, sir, got a wife.
Q What is her name? A She has got a curious name? I don't recollect what it is.
Q Do you know what district George belongs to?
A Same district I belong to, if he hasn't changed.

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Susan, we are not able to identifyyou on the 1880 roll and your enrollment is refused for the reason that your name is not found on the authenticated roll of 1880.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) BRUCE C. JONES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 6th 1901.

In the matter of the application of Susie Harrison for the enrollment of herself, and one child as Cherokee freedmen; she being sworn by the Commissiontestified as follows:

Q What is your full name? A Susie Harrison.
Q How old are you? A about 36 I think, born after peace.
Q You make application for enrollment as a Cherokee freedman do you? A Yes, sir.
Q What is your postoffice address? A Ridge.
Q Do you apply for the enrollment of anyone besides yourself? A Just me and this baby here.
Q What is its name? A Johnnie.
Q John or Johnnie? A Johnnie.
Q How old is it? Two months past.
Q Who is the father of the child? A John Harrison.
Q What is the name of your father? A Harry.
Q Harry what? A I don't know except Harry. He is dead, died when I was little.
Q What is your mother's name? A Rose Archie.
Q Is she alive? A She is dead.
Q Were your father and mother both Cherokee freedmen? A My mother was.
Q Who did your mother belong to? A Polly Archie.
Q Was Polly Archir a Cherokee Indian?
A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A On the Clifton Roll.
A How long have you been living in the Cherokee Nation? A Been living here all my life until I married.
Q What is your husband's name? A John Harrison.
Q When were you married to him? A Been about 19 years this last gone May.
Q Are you living in the Cherokee Nation at the present time? A Yes sir, when I had him.
Q Are you not living with him now? A Yes, sir.
Q You said a while ago that you had lived in the Cherokee Nation up to the time that you married? A Yes, sir and then I married him and he is a Creek and I had to live there with him.
Q Is he a Creek freedman? A Yes, sir.
Q How long didyou stay with him in the Creek Nation? A I staid with him a while and then went up to Catoosa and around and my husband is a Creek and he don't like the way they do in this Cherokee Nation and I has to live with him there in the Creek Nation.
Q Then you live there in the Creek Nation now? A Yes, sir.
Q And you have lived there for the past 19 years? A Yes, sir.

Applicant cannot be found upon either the 1880 or 1896 rolls of the Cherokee Nation, upon examination of same.

Q Who were you living with when you drew the Kern-Clifton money?
A With my husband.
Q In the Creek Nation? A Yes, sir.
Q Did you ever have achild named Rose? A No sir that is not my child, that is my niece.

Kern-Clifton roll examined and the applicant found thereon

at page 145 No 3603 as Susie Harrison, Cooweescoowee district.

Applicant not found on the Wallace Roll of the Cherokee Nation.

Q Did you draw Wallace money? A No sir I didn't draw it, they misplaced my name in some way or other.

BY W. W. HASTINGS, Cherokee representative:

Q When you were first old enough to realize anything, where were you?
A At Irvin Vann's at Fort Gibson, he is a cousin of mine.
Q Was your mother living then? A No sir, died when I was a little girl.
Q And Irvin Vann brought you up? A No, sir. I staid there and at a woman named Mary and staid around there and at Flat rock until I was grown or thought I was grown.
Q How old were you when you lived at Irvin Vann's? A I can't tell you exactly how old I was.
Q. Ten years old? A I can't tell you about that, I was born since peace, the year peace was declared they said.
Q You don't have anyknowledge of your whereabouts when you were small of course? A No, sir.
Q Where were you married? A At uncle Fred Martins.
Q Where? A At Flat Rock.
Q You were not married in the Creek Nation? A No, sir.
Q Up to the timeyou married had you ever worked or lived outside of the Cherokee Nation as far as you know? A Yes sir, I worked in the Creek Nation in Muskogee.
Q Before you married? A No sir, I only went up about in the Cherokee Nation and then I went and hired out in Muskogee a while and got stuck on a man there and married him.
Q Then you were living in Muskogee when you married? A No sir not exactly lived there, just hired out there, I married down here.
Q Have you got any witnesses? A Yes sir, George Vann is a first cousin of mine but he is sick inbed and can't come now.

COMMISSION:

Q Did you ever apply for enrollment as a member of any other tribe or Nation except the Cherokee Nation? A No, sir.
Never applied as a Creek did you? A No sir I am not a Creek.

COMMISSION:

Sallie Harrison applies for herself and one child as a Cherokee freedman; she is not identified on any of the rolls of the Cherokee Nation in the possession of the Commission except the Kern Clifton Roll; she avers that she is a child of Rose Archie who was a slave of Pollie Archie a Cherokee Indian. For the further consideration of the Commission she will be listed for enrollment as a Cherokee freedman on a doubtful card; it will be necessary for her to file satisfactory proof of birth of her son Johnnie Harrison, whose name is not found on any of the tribal rolls. When the final decision of the Commission is arrived at, she will be notified in writing at her present post office address.

****

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all

the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this 7th of September, 1901.

(Signed) M. D. Green,

N.P.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 11, 1901.

In the matter of the application of Susie Harrison et al. for enrollment as Cherokee Freedmen.

Supplementary testimony on part of the applicants.

Appearances:
Applicant present in person.
W.W.Hastings, of counsel for Cherokee Nation.

JERRY ALBERTY, being duly sworn, and examined by the Commission, testified as follows:

Q What is your name? A Jerry Alberty.
Q How old are you? A I am about 68 or '9.
Q What is your postoffice address? A Wagoner.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Are you acquainted with Susie Harrison, the applicant? A Yes sir; well I am not acquainted with her. I knew her when she was a little girl.
Q How long have you known her? A Iseed her when she was a little girl, I haven't seed her before until now.
Q When you first saw her, about how old was she at that time? A Just a little girl, I don't know how old.
Q When was the next time? A Seen her here.
Q Do you know this is the same person you saw when she was a child? A She says she is.
Q Do you know what her mother's name was? A Rose Archer.
Q You know what her father's name was? A No sir.
Q Was her mother a Cherokee slave? A Yes, sir, I knew her mother well.
Q Do you know to whom her mother belonged? A Yes, sir.
Q How long did you know her mother? A Oh I knew her ever since she was a little girl.
Q Do you know to ~~xx~~ whom her mother belonged? A Yes, sir.
~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~
Q What was her owner's name? A Polly Archer.
Q Polly Archer a Cherokee? A Yes, sir.
Q Did Rose Archer leave the Cherokee Nation at the outbreak of the war between the United States and the Confederacy? A Yes,sir.
Q Where did she go? A I can't tell you where she went.
Q She lived in the Cherokee Nation? A I guess so, I lived right by them up here.
Q Do you know when she returned to the Cherokee Nation after the war? A Well I seenthe girl that they told me was Rose Archer's girl-----
Q Do you know when Rose Archer came back? A I think she came back time of the war, they said the mother of the child was dead.
Q You don't know of your own knowledge whether she ever did return to the Cherokee Nation or not? A No, sir; I don't know whether she ever went out or not.
Q Where was this Rose Archer living when you first learned to know her? A Living right with Polly Archer up there.
Q. In the Cherokee Nation? A Yes, sir.
Q In what district? A In the Saline District.
Q How old was this applicant when you first knew her? A I can't tell you, just after the war she was a little girl.
Q Living with some of her relations? A Yes, sir, at Fort Gibson.

Mr. Hastings: About how old would you say she was, at that time, when you first saw her? A I guess she what have been three or four, four or five years old. I never paid much attention to her.

Q She was born after the war, wasn't she? A Must have been born time of the war, in time of the war.
Q About how long after the war was it you saw her? A Oh just a little while after the war, about the first year after the war I guess, I was living at the Falls down there; it was in '66.
Q And this woman was three or four years old? A Yes, I can't suppose she was older than that.
Q Who was she living with? A Living with Ervin Vann.
Q Her mother wasn't there? A No sir, and they told me she was Rose Archer's girl.
Q That is the first time you ever saw her, this woman? A No, I seen her then, and this is the first time I have seen her since that time.
Q You saw her when she was three or four years old and the next time is when she was here, now? A Yes, sir.
Q And she says she is the same woman? A Well, I have seen her before, and she has been up to her uncle's, Fred Markham was her uncle. I have seen her there, she was a good big girl then, he was her uncle, a brother-in-law of mine.
Q You know where she is living now? A No, sir.
Commission:How long after the war was it before you saw this girl, this woman? A Oh it, that was in '66 I worked at Webbers Falls.
Q What time in '66, spring, summer or winter? A It was along in the summer.

Applicant, SUSIE HARRISON, appearing before the Commission and being duly sworn and examined, testified as follows:
Commission: Were you an applicant before this Commission on the 11th day of May, 1900, for enrollment as a Cherokee Freedman? A When they first opened up, yes sir; didn't have no witnesses down there though.
Q You at that time applied for the enrollment of yourself and for Hettie, Laura, Sylvie, Ella, Phoenix, Coody, Freeman, Nettie, Washington and Dewey Harrison, didyou? A Yes, sir.
Q Your application was denied for the reason that you are not identified upon the roll of 1880, was it? A Yes, sir.
Q You now apply for the enrollment of yourself and your son, Johnny Harrison? A Yes, sir.
Q Why do you not apply for these other children I have just mentioned? A Their father said the way they do was to go ahead and throw you off, and he didn't want his children to be throwed out, and he would take his children himself.
Q Who is the father of these children? A John Harrison.
Q Is John Harrison a citizen of any other nation or tribe? A No sir, he is a citizen of the Creek Nation, an old citizen.
Q Is he enrolled as a citizen of the Creek Nation? A Yes, sir.
Q Are all these children enrolled as Creek citizens? A Yes, sir.
Q Did you ever apply for enrollment as a citizen of the Creek Nation? A No, sir, never did, because I am not a Creek and lots of them over there knows I am not a Creek, I am a Cherokee, my mother.
Q You elect them to have these children, with the exception of Johnny, enrolled as Creek Freedmen, do you? A Yes, sir.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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Commissioner Bennett appears from the records of the Commission that the said Willie Harrison was an applicant before the Commission at Muskogee on the 11th day of May, 1900, and that her name was placed upon a rejected card, No. 15. Said card will be cancelled and the papers filed therewith will be made a part of the application heard on the 6th day of September, 1901, at Fort Gibson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES.

Sworn to and subscribed before me this the 12th of September, 1901.

(Signed) M. J. GREEN, Notary Public.

Arthur G. Cronin[illegible], being first duly sworn, states that he [illegible] stenographer to the Commission to [illegible] foregoing copy, and that [illegible]

Commissioner. It appears from the records of the Commission that the said Eddie Harrison was an applicant before the Commission at Muskogee on the 11th day of May, 1900, and that her namewas plapped upon a rejected card, No. 15. Said card will be cancelled and the papers filed therewith will be made a part of the application heard on the 6th day of September, 1901, at Fort Gibson.

* * * * * * * * * *

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) BRUCE C. JONES.

Sworn to and subscribed before me this the 12th of September, 1901.

(Signed) M. D. GREEN,
Notary Public.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G Croninger

Subscribed and sworn to before me this 5th day of October, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR

MEMORANDUM.

On May 8, 1901, application for enrollment as citizens of the Creek Nation was made of the following named parties:

Name.	Age.
Laura Harrison,	17
Sylvia Harrison,	16
Ella Harrison,	14
Phoenix Harrison,	12
Cudie Harrison,	10
Nettie Harrison,	5
Washington Harrison,	3
Dewey Harrison,	2

The testimony discloses the fact that the mother of the above named children is a doubtful claimant for Cherokee citizenship.

The above named parties, together with their father, John Harrison, are listed for enrollment on Creek Freedman card, field number 484.

Department of the Interior,
Commission to the Five Civilized Tribes,
Okmulgee, Indian Territory, May 8, 1901.

In the matter of the application of John Harrison for the enrollment of his minor children Laura, Sylvia, Ella, Phoenia, Cudie, Nettie, Washington and Dewey Harrison as citizens of the Creek Nation. John Harrison being duly sworn testified as follows.

Examination by the Commission.

Q As a citizen of what Nation are you now making application for the enrollment of your minor children? A Creek Nation.
Q What is your name? A MJohn Harrison.
Q What is your age? A Creek Nation.
Q What is your age? A 43 I guess.
Q What is your post-office address? A Ridge.
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
Q Have you been enrolled by the Commission to the Five Civilized Tribes? A Yessir.

The records of the Commission show that John Harrison was enrolled on Freedman Card No. 484.

Q What are the names and ages of your minor children for whom you are now making application for enrollment? A Laura, 17. Stlvia 16. Ella 14. Phoenix 12, Cudie 10, Nettie 5, Washington 3, Dewey 2.
Q Are these children all living? A Yes sir.
Q Do they live with you? A Yes sir.
Q Are they single or married? A All single but Hattie.
Q We are not taking Hatties application? A All right.
Q What is the name of the mother of your children? A Susie.
Q Susie What? A Harrison.
Q Is she a citizen of the Creek Nation? A No sir.
Q Is she the mother of all these children? A Yes sir.
Q Is she a citizen of any other nation? A No sir. She claimed Cherokee and she failed there. I don't know what I would call her.
Q Have these children ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation?
A Yes sir.
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes sir.
Q Do their names appear upon the tribal rolls of the Creek Nation? A Yes sir.
Q Who is Salina Harrison? A I don't know.
Q Who is Eli Harrison? AC I don't know.
Q Who is Laura Harrison? A I got a Laura Harrison.
Q Is that one of your children? A Yes sir.
Q Phoenix Harrison? A That is mine.

The 1890 authenticated roll of the Creek Nation examined and the names of Laura Harrison, Saline Harrison, Eli Harrison and Phoenix Harrison found thereon on page 39 together with the name of John Harrison.

Q Are these your children? A Yes sir them that I called.

The 1898 authenticated roll of the Creek Nation, Arkansas Town examined and the names of Laura Harrison, Sylvia Harrison, Ella Harrison, Phoenix Harrison, Cuddie Harrison and Nettie Harrison found there on at numbers 404 to 409 inclusive.

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John Harrison 2

Q Are these the names of your children? A Yes sir.
Q Is the mother of these children now living? A Yes sir.
Q Has she made application for the enrollment of these children as citizens of the Cherokee Nation? A No sir.
Q Is there any additional statement that you desire to make with regard to the application for the enrollment of these children?
A I don't understand.
Q Is there anything else you want to say? A No sir.
Q In it should be found that these children have heretofore been recognized as citizens of both the Cherokee and Creek nations as citizens of which Nation do you now elect to have these children enrolled and receive allotment of lands and distribution of moneys?
A In the Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor children as citizens of the Creek Nation which will be mailed to you at your present post office address.

Susie Harrison being duly sworn testified as follows:

Examination by the Commission.

Q Are you the wife of John Harrison who has just testified?
A Yes sir.
Q Are you the mother of the children for whom he now makes application? A Yes sir.
Q Have you ever made application to have these children enrolled as citizens of the Cherokee Nation? A No sir. I went down before Mr. Birdy and made an application for myself and he said they couldn't be found. I asked him to see about it. I went there Monday and he told me to come out here that the Commission would enroll them out here with their father.
Q If it should be found that these children have been recognized as citizens of both the Creek and Cherokee Nations as citizens of which Nation do you now elect to have them enrolled and receive allotment of lands and distribution of moneys? A The Creek Nation.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me at Okmulgee, Indian Territory, on this the 8th day of May, 1901.

John E. Lieber

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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ACTING CHAIRMAN.

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MEMORANDUM.

On May 8, 1901, application was made for enrollment as a citizen of the Creek Nation of Hattie Rowe, age 18.

The testimony taken discloses the fact that the mother of said applicant is a Cherokee.

The above named applicant is listed for enrollment on Creek Freedman card, field number 1540.

Department of the Interior,
Commission to the Five Civilized Tribes,
Okmulgee, Indian Territory, May 8, 1901.

In the matter of the application of Hattie Rowe for enrollment as a citizen of the Creek Nation. Hattie Rowe being first duly sworn testified as follows:

Examination by the Commission.

Q As a citizen of what Nation are you now making application for enrollment? A Creek.
Q What is your name? A Hattie Rowe.
Q What is your age? A 18.
Q What is your post-office address? A Checota.
Q Have you ever been recognised by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.
Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes sir.
Q Where do you live? A In the Creek Nation.
Q How long have you lived there? A All my life.
Q What is the name of your father? A Billy Harrison.
Q Is he living? A No sir.
Q Is his name on any of the rolls of the Creek Nation? A Yes sir.
Q What town did he belong to? A I don't know.
Q What is the name of your mother? A Susie Harrison.
Q Is her name on any of the rolls of the Creek Nation? A No sir.
Q What is her citizenship? A Cherokee.
Q Are you married? A Yes sir.
Q Does your name appear upon the 1890 authenticated roll of the Creek Nation - that is the roll that was made when the $29.00 was paid out? A Yes sir.

The 1890 authenticated roll of the Creek Nation examined and the name of Hattie Harrison is not found thereon.

Q Does your name appear upon the 1895 authenticated roll of the Creek Nation that is when the $14.40 was paid out? A Yes sir.

1895 authenticated roll of the Creek Nation, Arkansas Town examined and the name of Hattie Harrison found thereon at No. 403.

Q Have you ever been recognised as a citizen of the Cherokee Nation? A No sir.
Q Did you ever draw any money in the Cherokee Nation? A Yes sir.
Q What money did you draw over there? A $188.00.
Q If it should be found that you have been recognized as a citizen of both the Creek and Cherokee Nations as a citizen of which Nation do you now elect to be enrolled and receive allotment of lands and distribution of moneys? A Creek Nation.

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Nattie Rowe 2

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself as acitizen of the Creek Nation which will be mailed to you at your present post office address.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of May, 1901, and that the above and foregoing is a true, full and correct transcript of her stenographic notes of said proceedings on said date.

Myra Young

Subscribed and sworn to before me at Okmulgee, Indian Territory, on this the 9th day of May, 1901.

John G. Tibbs

Notary Public.

Supl. C.F.-D.#1037.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Susie Harrison, et al., for enrollment as Cherokee Freedmen, introduced on part of the applicants:

APPEARANCES:
Applicant present in person.
Mr. Davenport, of Counsel for Cherokee Nation.

GEORGE VANN, being duly sworn and examined by Commissioner Needles, testified as follows on part of applicants:
Q What is your name? A George Vann.
Q What is your age? A 52.
Q What is your post office address? A Lenapah.
Q Do you know Susie Harrison? A Yes, sir.
Q How long have you known her? A I have knowed her ever since the war, I knowed her mother before the war.
Q Was she a slave? A I don't know, I didn't see her when she was a slave.
Q Was her mother a slave? A Yes, sir.
Q Who did her mother belong to? A Mrs. Archer.
Q Was Mrs. Archer a Cherokee citizen? A Yes, sir.
Q Well, when was the first time you knew Susie and what year? A About '67 was the first time I saw her.
Q Do you know where she had been before that? A She was raised in the Creek Nation, I guess; that is from Gibson.
Q Raised in the Creek Nation? A That is she lived in there, I saw her at Gibson.
Q In '67? A '67.
Q You don't know where she was during the war? A No, sir, I don't.
Q Don't know whether she was out of the Cherokee Nation or not?
A No, sir.
Q All you know about it then is she is the daughter of-?
A Rosa Archer.
Q And that Rosa Archer belonged to-? A Mrs. Polly Archer.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 31st, 1901.

(Signed) T. B. Needles,
Commissioner.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this the 9th day of July, 1904.

My Commission Expires January 10th 1908.

Notary Public.

Cherokee Freedmen
D 1037.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SuSIE HARRISON, ET AL., as Cherokee freedmen.

It appears that on May 10, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and introduce further testimony touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation this case was continued from June 16, to June 17, 1904, when the following testimony was introduced.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorneys, W. W. Hastings and L. B. Bell.

SUSIE HARRISON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Susie Harrison.
Q How old are you? A I don't know exactly; said I was born first year peace was declared, I don't know.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes, sir.
Q What is your postoffice address? A Ridge.
Q That is in the Creek Nation? A Yes, sir.
Q What was the name of your mother? A Rose Archie.
Q What was the name of your father? A I don't know him at all.
Q Your mother was a Cherokee freedman? A Yes, sir.
Q Who did she belong to? A Polly Archie.
Q Since your recollection where did your mother live up to the time of her death? A She died right there at Gibson.
Q Where did she live up to that time since you can remember? A At Gibson.
Q She died there? A Yes, sir.
Q Since your recollection where have you lived? A In the Creek Nation and Cherokee Nation.
Q How long have you lived in the Creek Nation? A Been living here about 16 years, on and off; sometimes I would get mad at my old man and go back to my people, is the way I have been living to tell you the facts about it.

By Mr. Hastings:
Q You were born the year peace was declared? A Yes, sir.
Q You don't know of your own knowledge anything about what happened before the war? A I don't know anything about that.

GEORGE VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George Vann.
Q Captain George Vann? A Yes, sir, Horse Creek fight Vann.
Q How old are you? A Going on 53.
Q What is your postoffice? A Lenapah.
Q You are claiming to be a Cherokee freedman? A Yes, sir, that is what I claim.
Q Do you know the applicant in this case, Susie Harrison? A Yes, sir, I know her mother.

Q What was her mother's name? A Rose Archie, belonged to Miss Polly Archie.
Q Polly Archie was a Cherokee citizen? A Yes, sir.
Q Did Rose Archie go out of the Cherokee Nation during the war? A Not as I know of.
Q Do you know? A No, sir, I don't.
Q When did you first get acquainted with Rose Archie? A We were raised together.
Q You didn't know her when the war come up? A When the war come up most of the people left that neighborhood, but a few of us; we were the last; Miss Archie still stayed there.
Q This applicant's mother, was she still there when you left? A No, sir, she left before we did.
Q You don't know where she went? A No, sir; I saw her in Fort Gibson after we come back; this child was a little girl, and I think she died in 1867.
Q When did you first see the applicant's mother in the Cherokee Nation after the war? A In September or October, I forget; when we come down to Fort Gibson she was there.
Q September or October of what year? A '66, when we come down.
Q Was she living there at that time? A She was staying there; I don't know whether she had a house.
Q You say the applicant was a small child then? A Yes, sir. Her mother died soon afterwards.
Q At Fort Gibson? A Yes, sir.
Q And she lived there from September or October, 1866, until her death? A Yes, right there till her death.
Q When she died what became of this applicant? A I wasn't, I seen her a time or two afterwards, off and on, but I don't know who raised her.
Q Don't you know anything of your own knowledge as to the residence of this woman Susie Harrison since the death of her mother? A I have knowed her to live at Gibson and in the Creek Nation.
Q You have seen her off and on in the Creek and Cherokee Nation? A Yes, sir.

By Mr. Hastings?
Q Your name is George W. Vann? A Yes, sir, George West Vann.
Q Your age is what? A 53, going on 54.
Q What is your postoffice address? A Lenapah.
Q Do you know Susie Harrison? A Yes, sir.
Q How long have you known her? A Ever since she was a baby.
Q Was she a slave? A No, sir.
Q Born after the war? A Yes, sir.
Q Was her mother a slave? A Yes, sir.
Q To whom did her mother belong? A Polly Archie.
Q Was Mrs. Archie a Cherokee citizen? A Yes, sir.
Q When was the first time you knew Susie Harrison? A After the war?
Q Yes, when did you know her first? A After the war she was just a baby; I knowed her when her mother had her in her arms.
Q Was that the first time you saw her motherafter the war? A Yes, sir.
Q She had this applicant, Susie, when you first saw her? A Yes, sir.
Q What time was that? A In October, '66.
Q You are positive about that? A Yes, you see the reason I am positive, when we come down it was the last of September, and we got there and buried our men and stayed around there, and a whole lot of us come down to Gibson about October.
Q You don't know where her mother was during the war? A No, sir.
Q Do you know whether she was in the Cherokee Nation or not? A No, sir; don't know whether she was in the Cherokee Nation or Choctaw or Chickasaw.
Q All you know is that this girl was the daughter of Rose Archie? A Yes, sir.

Q And Rose Archie belonged to Polly Archie? A Yes.
Q Now George, did you on October 23, 1901, at Vinita, Indian Territory, before this Commission, give testimony in this case? A I think I did.
Q Do you know that I have asked you every signle, solitary, identical question that was asked you at that time, with a few additional? A Well, I stated just what I knowed about it.
Q Did you make that same statement in answer to this same question at that time? A I don't know, I think I did.
Q Do you know in what particulars you have made different statements if you have made them? A No, I don't.
Q Then you made the same statements, in answer th these same questions before the Commission at Vinita, Indian Territory, on October 23, 1901, that you have here to-day? A Did I know I made it?
Q You made the same answers, did you? A I meant to make the same answers that I made then.
Q You knew as much about it then as you do now? A I am just like, I practiced up on these things, and I found out more particulars than I did at that time.
Q What more particulars have you found out with reference to this woman? A I tell it just like I know.
Q You had no occasion to find out more about this woman; you hadn't thought any more of it, had you? A When I thought about it I know just what I knowed then.
Q You have already stated that you made the same answers to these questions? A If I made any different questions I don't know it.
Q You have got no new light upon these answers, because you answered then as you have here to-day, according to your statement? A I just naturally told the truth about it.
Q On October 23, 1901? A As near the truth as I knowed how.
Q You were sworn to tell the truth? A Yes, sir.
Q I am asking you about your testimony, you told the truth then? A I aimed to then and now, too.
Q I am asking you if you told it then; you had sorter forgotten that you testified before hadn't you? A I didn't think I testified in it at all.
Q If you had thought you had testified before you wouldn't have taken the stand this time would you? A If I taken the stand this time and it don't do any good, she could get somebody else.
Q You had forgotten that you testified before, hadn't you? A Yes, sir, but I am testifying the truth.

By the Commission:
Q When you appeared before the Commission on October 23, 1901, and testified in the case of Susie Harrison, you were asked, "When was the first time you knew Susie, and what year?" You answered, "About '67 was the first time I saw her." A As I told Mr. Hastings, I had a chance to reckon back and that is the reason.
Q You want to explain, after thinking the case over, that you remember of seeing her before that? A Yes, sir, that is it; after I had a chance to reckon back I remember seeing her with her mother.

By Mr. Hastings:
Q I have asked you every single, solitary question that was asked you on October 23, 1901; you said also that you had forgotten that you had ever testified in this case? A Yes, sir.
Q But I asked you on cross-examination if you had testified? A That's right.
Q You have been a standing witness in these cases, haven't you? A No, sir.
Q You have followed the Commission from place to place at every sitting? A Yes, sir, I know the people.
Q You have been here nearly every time there has been a hearing in Freedmen cases? A Yes, sir.

Q You had forgotten this morning that you had testified in this case and didn't have a chance to refresh your memory by reading over the testimony, had you? A No, sir.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance,

Subscribed and sworn to before me this the 2d day of July, 1904.

(Signed) Charles H. Sawyer,
Notary Public.

o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

H M Vance.

Subscribed and sworn to before me this the 9th day of July, 1904.

My Commission Expires January 15th 1905.

Wm J Martin Jr.
Notary Public.

Cherokee Freedmen R 15.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory,
April 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Freedman Harrison as a Cherokee freedman.

It appears that on the 15th day of March, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 6, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:
Susie Harrison appears for the applicant;
Cherokee Nation by its attorney, W. W. Hastings.

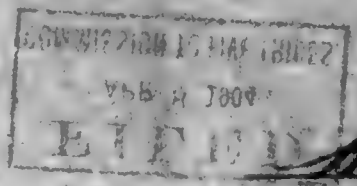
SUSIE HARRISON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Susie Harrison.
Q How old are you? A Can't tell you how old I am; nearly 40 I guess.
Q What is your postoffice? A Ridge.
Q You have applied for the enrollment of yourself and your ten children, Hetty, Laura, Sylvia, Ella, Phoenix, Coodie, Freedman, Nettie, Washington and Dewey Harrison, as Cherokee freedmen?
A Yes sir, I had made application for them but their father went to work, he said they acted so curious in the Cherokee Nation, they would enroll them and then take them off, and he said he didn't want them to put them off and I said he give me two of them and he could take the rest himself.
Q What is the name of the father od these children?
A John Harrison.
Q He is a Creek freedman, isn't he? A Yes sir.
Q He has applied for the enrollment of all these children, except Freedman, in the Creek Nation? A Yes sir, I didn't make no claim for that child.
Q He is also the father of Freedman? A Yes sir, he would have taken him, but I said it would look so bad; I wanted one of them anyhow, and he said he would run the risk of one of them with me in the Cherokee Nation, and he would take the others and have them enrolled in the Creek Nation with him.
Q In the event that Freedman Harrison should be found to be entitled to be enrolled in both the Cherokee and Creek Nations, in which Nation do you desire to have him enrolled and receive his allotment?
A I want to keep him with me.
Q In the Cherokee Nation? A Yes sir, he said if they didn't take him with me he would enroll him himself.
Q Then in behalf of this child you relinquish all right that it

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COMMISSION TO FIVE TRIBES.

may have in the Creek Nation and desire that it be enrolled and given its allotment in the Cherokee Nation? A Yes sir.

M. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.



Subscribed and sworn to before me this the 6th day of April, 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hettie Harrison et al., as Cherokee Freedmen, consolidating the applications of--

Hettie Harrison et al., Cherokee Freedmen R-15
Susie Harrison et al., Cherokee Freedmen D-1037.

:
--:--

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Susie Harrison for her minor children, Hettie, Laura, Silvie, Ella, Phoenix, Coodie, Freeman, Hettie, Washington and Dewey Harrison; and by Susie Harrison for herself and her minor child, Johnnie Harrison.

From the records of this Commission it appears that the said Hettie Harrison (under the name of Hattie Howe), Laura, Sylvia, (Silvie), Ella, Phoenix, Sudie (Coodie) Hettie, Washington and Dewey Harrison are included in the partial roll of Creek Freedmen approved by the Secretary of the Interior, March 13, 1902, Numbers 4991, 1849, 1850, 1851, 1852, 1853, 1854, 1855 and 1856, respectively.

Section twenty-eight of the Act of Congress approved July 1, 1902, (32 Stat., 716), provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

The evidence herein shows that Susie Harrison was born since the commencement of the war of the rebellion, and is the daughter of one Rose Archie, who was the slave of a Cherokee citizen at the commencement of said war. It further appears that the said Rose Archie and her daughter, Susie Archie, now Harrison, were residing in the Cherokee Nation in October, 1866, and that the said Susie Archie, now Harrison, has since continuously resided within the domain of the Five Civilized Tribes. The minor applicants Freeman and Johnnie Harrison, are the children of the said Susie Harrison and have resided with their mother since birth.

It is, therefore, the opinion of this Commission that the application for the enrollment of Hettie Harrison (identified on the Creek Freedmen roll as Hattie Rowe), Laura Harrison, Silvie Harrison, Ella Harrison, Phoenix Harrison, Coodie Harrison, Nettie Harrison, Washington Harrison and Dewey Harrison, as Cherokee Freedmen should be denied under the provisions of section twenty-eight of the Act of Congress approved July 1, 1902, (32 Stat., 716); and that Susie Harrison, Freeman Harrison and Johnnie Harrison, should be enrolled as Cherokee Freedmen in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
this JUN 27 1905

COMMISSION TO THE FIVE CIVILIZED TRIBES
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[illegible], May 2, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 2, 1902, affirmed the decision of the Commission, dated May 16, 1901, enrolling Hattie Gone, nee Harrison, as a citizen of the Creek Nation.

It appears from the testimony on file in this office that Hattie Harrison was also recognized as a citizen of the Cherokee Nation, and that her mother, Susie Harrison, has been listed for enrollment in said nation.

Yours truly,

S.M.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind.Ter., May 1, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 28, 1902, affirmed the decision of the Commission, dated May 16, 1901, enrolling Hattie Rowe, nee Harrison, as a citizen of the Creek Nation.

It appears from the testimony on file in this office that Hattie Harrison was also recognized as a citizen of the Cherokee Nation, and that her mother, Susie Harrison, has been listed for enrollment in said nation.

Yours truly,

Commissioner in Charge.

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COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek F 1595.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that Hattie Rowe, aged 18, is regularly listed for enrollment on Creek Freedman Card Field No. 1595, and that selection of land has been made for her in the Creek Nation.

It appears from the records of the Creek Enrollment Division that said Hattie Rowe is the daughter of Billy Harrison, deceased, and Susie Harrison, a Cherokee citizen.

Respectfully,

Acting Chairman.

Cherokee Freedmen
R 15

Muskogee, Indian Territory, February 25, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Hetty, Laura, Sylvia, Ella, Phoenix, Coodie, Freedman, Nettie, Washington and Dewey Harrison as Cherokee Freedmen the records of the Cherokee Division show that these applicants are also listed for enrollment upon Creek Freedmen Cards Nos. 1540 and 484. It is requested that the Cherokee Division be advised as to the present status of these applicants as Creek Freedmen, and if their names have been placed upon the final roll of citizens of that Nation, it is requested that their numbers be given, together with the date of the Department's approval of said roll.

Respectfully,

Commissioner in Charge.

J.J.P.

( ) Cr. F. 484- 1595

Muskogee, Indian Territory, February 27,1904

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division,

Muskogee, Indian Territory,

Gentlemen:

Receipt is acknowledged of your letter of February 25, in which it is stated that in the matter of the application for the enrollment of Betty, Laura, Sylvia, Ella, Phoenix, Goodie, Freedman, Pettie , Washington and Dewey Harrison as Cherokee Freedmen, the records of the Cherokee Division show that these applicants are also listed for enrollment upon Creek Freedmen cards Nos. 1540 and 484. It is requested that the Cherokee Division be advised as to the present status of these applicants as Creek Freedmen, and if their names have been placed upon the final rolls of the Creek Nation as citizens of said Nation, that their numbers be given together with the date of the Departments approval of said roll.

In reply you are advised that Mattie Howe, aged 15 years in 1901, daughter of Milly Harrison, deceased, and Susie Harrison a citizen of the Cherokee Nation, is listed for enrollment on Creek Freedman Card Field No. 1595, and that her name is contained in a list of Creek Freedmen approved by the Secretary of the Interior

December 1, 1903, No. 4991.

You are further advised that Laura, Sylvia, Ella, Phoenix, Cudie, Nettie, Washington and Dewey Harrison are listed for enrollment on Creek Freedman Card Field No. 484, and that their names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Nos. 1849 to 1856, inclusive.

It does not appear that application has ever been made to the Creek Enrollment Division for the enrollment of Freedman Harrison as a citizen of the Creek Nation.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

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COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 15

Muskogee, Indian Territory, March 15, 1904.

Susie Harrison,

Ridge, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your ten minor children as Cherokee Freedmen you are advised that the Commission's records disclose that the father of these children has been listed for enrollment as a Creek Freedman. If also appears that you have elected to have nine of your said children enrolled as Creek Freedmen, but that you have not elected as to your minor child Freedman Harrison.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and make election for the child above named.

Respectfully,

Commissioner in Charge.

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COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 15

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Susie Harrison for the enrollment of her ten minor children as Cherokee Freedmen, an examination of the commission's records discloses that the father of these children is a Creek Freedman. It also appears that Susie Harrison has elected to have nine of said children enrolled in the Creek Nation, but that she has made no election for her minor child, Freedman Harrison.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and make election for the child above named.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in regard to the matter above mentioned.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-15, D-1037.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for the enrollment of Hettie Harrison, et al., and granting the application for the enrollment of Susie Harrison, et al., as Cherokee freedmen.

You are advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. S-28

REFER IN REPLY TO THE FOLLOWING:

Freedman R-18.
Freedmen D-1037.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 20, 1906.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are advised that there has this day been forwarded to the Secretary of the Interior the record of proceedings had in the matter of the application for the enrollment of Hettie Harrison, et al., as Cherokee Freedmen, together with the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the application for the enrollment of Hettie, Laura, Silvie, Ella, Phoenix, Geodie, Hettie, Washington and Dewey Harrison, and granting the application for the enrollment, as Cherokee Freedmen, of Freeman Harrison and Suzie and Johnnie Harrison.

You have heretofore been furnished with a copy of the decision of the Commission to the Five Civilized Tribes in this case. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated July 19, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Susie Harrison for her minor children, Hettie, Laura, Silvie, Ella, Phoenix, Coodie, Freeman, Nettie, Washington and Dewey Harrison; and by Susie Harrison for herself and her minor child, Johnnie Harrison.

June 30, 1905, the Commission decided favorably to Susie, Freeman and Johnnie Harrison and adversely to all the others.

The record shows that Hettie Harrison (under the name of Hattie Rowe) Laura, Sylvie, Ella, Phoenix, Cudie, Nettie, Washington and Dewey Harrison are included in a partial roll of Cher. Freedmen approved by the Department March 13, 1907, as Nos. 4991, 4949, 4950, 4951, 4952, 4953, 4954, 4955 and 4956 respectively.

The record further shows that Susie Harrison was born since the beginning of the war of the rebellion, and is the daughter of one Rose Archie who was the slave of a Cherokee

citizen at the beginning of the war of the rebellion. It further appears that Rose Archie and her daughter, Susie Archie, now Harrison, were residing in the Cherokee Nation in October 1866, and that Susie Archie, now Harrison, has since continuously resided in the Indian Territory. The minor applicants, Freeman and Johnnie Harrison are the children of Susie Harrison and have resided with their mother since birth.

In view of the record the approval of the Commission's decision favorable to Susie, Freeman and Johnnie Harrison and adverse to all the others is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

M.M.M.
W.

W.C.F.
LLB
Y.P.

D. C. 48145-1905.
I.T.D. 9850-1905.
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 13, 1905.

Commissioner to the Five Civilized Tribes,

Muskog ee, Indian Territory.

Sir:

On July 20, 1905, you transmitted the record in the Cherokee freedman enrollment case of Hettie Harrison, et al., including the decision of the Commission to the Five Civilized Tribes of June 30, 1905, holding that the applicants Hettie Harrison, Laura Harrison, Silvie Harrison, Ella Harrison, Phoenix Harrison, Coodie Harrison, Nettie Harrison, Washington Harrison, and Dewsy Harrison are not entitled to enrollment as Cherokee freedmen, and that Susie Harrison, Freeman Harrison, and Johnnie Harrison should be enrolled as Cherokee freedmen.

Reporting August 3, 1905, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision holding that Susie Harrison, Freeman Harrison, and Johnnie Harrison should be enrolled as Cherokee freedmen, and that all the other applicants herein should be rejected is hereby affirmed.

Respectfully,
(Signed) E. A. Hitchcock,
Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-18, D-1037.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 21, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting the application for the enrollment, as Cherokee Freedmen, of Hettie, Laura, Sylvia, Ella, Phoenix, Coodie, Nettie, Washington and Dewey Harrison, and granting the application for the enrollment of Susie, Freeman and Johnnie Harrison, was affirmed by the Secretary of the Interior on the 13th day of October, 1905.

For your information, there is enclosed you herewith a copy of Departmental letter.

Respectfully,

Commissioner.

Encl. J-2

Cherokee Freedmen

R-15, D-1037.

Muskogee, Indian Territory, October 31, 1905.

Susie Harrison,

Ridge, Indian Territory,

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the application for the enrollment of your children, Hettie, Laura, Sylvia, Ella, Phoenix, Cecdie, Hattie, Washington and Dewey Harrison, and granting the application for the enrollment of yourself, Freeman and Johnnie Harrison, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 13, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

You are further advised that you will not be permitted to make allotment selections for yourself, Freeman or Johnnie Harrison until your names have been placed upon a schedule of Cherokee Freedmen and approved by the Secretary of the Interior, of which action you will be duly notified.

Respectfully,

Encl. 1-42. Commissioner.

Cherokee Freedmen
R-15
In the matter of the Application

Hettie Harrison et al

Original testimony May 11, 1900
Testimony of Sept 6, 1901
Supplemental testimony Sept, 11-19
Testimony of May 8, 1901 from Muskogee
" " " 8 1901 " " "
denied as to all but No. 8
Granted as to No. 8
Action approved by Secretary Interior
Oct 13, 1905

No. 8 transferred to Cherokee 1481

Cher Fr R 16

Cher Fr R 16

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as Cherokee Freedmen by
Peggy Rowe, for herself, and for Katie, Annie, and Ruthie Rowe.

Peggy Rowe, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Peggy Vann?

Q - Is that your name now?

A - My husband's name is George Rowe.

Q - How long have you been married?

A - Been married ever since I came from Texas.

Q - That about the time of the war? A - A little after.

Q - How old are you?

A - I don't know how old I am; about 57, I reckon.

Q - What is your post office address? A - Checota.

Q - Where do you reside?

A - I live in Cunchatta, Creek Nation.

Q - How long have you been living in the Creek Nation?

A - Ever since I came from Texas.

Q - Have you resided outside the Indian Territory during the past three years?

A - No, sir, lived right in the territory.

Q - To which district in the Cherokee Nation do you belong?

A - Coowoescoowee.

Q - Were you a slave? A - Yes, sir.

Q - Who was your owner? A - Polly Archie.

Q - What was your father's name? A - Rufus Vann.

Q - Is he living or dead?

A - He is dead.

Q - Was he a Cherokee Freedman?

A - Yes, sir, and half Cherokee too.

Q - To which district did he belong?

A - I can't tell you.

Q - Who was your father's owner?

A - Jim Venn.

Q - What was your mother's name? A - Polly Venn.

Q - Is she living or dead? A - Dead to me.

Q - Who did a Tuscarawas Preacher?

A - I was a man; she belonged to Mrs. Venn.

Q - Are you married? A - Yes, Sir.

Q - What is the name of your husband? A - Thomas Penn.

Q - Is he a free man?

A - No it is a Yankee.

Q - Has you any children under 21 years of age?

A - Yes, Sir.

Q - What are their names you have?

A - Polly Penn, 21 years old.

Q - How many children have you that are under 21 years of age?

A - Eight in all, Annie 17, and Ruthie 11.

Q - Did you ever have a child named Judith Venn?

A - No, Sir.

Q - How many children named Judith Venn?

We are unable to find your name on the [illegible] 1880, and we must refer to enroll you [illegible].

Department of the Interior

MAY 11 1900
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

MAY 11 1900
FILED

A - I can't tell you.

Q - Who was your fahter's owner?

A - Joe Vann.

Q - What was your mother's name? A - Diley Vann.

Q - Is she living or dead? A - She is dead.

Q - Was she a Cherokee Freedman?

A - I guess she was; she belonged to Miss Archie.

Q - Are you married? A - Yes, sir.

Q - What is the name of your husband? A - George Rowe.

Q - Is he a Cherokee?

A - He is a Seminole.

Q - Have you any children under 21 years of age?

A - Yes, sir.

Q - What are their names and ages?

A - Gully Rowe, 28 years old.

Q - What children have you that are not 21 years old?

A - Katie is 20, Annie 17, and Ruthie 12.

Q - Did you ever have a child named Judith?

A - No, sir.

Q - Know anybody named Judith Vann? A - No, sir.

-----o-----

We are unable to find your name on the authenticated roll of 1880, and we must refuse to enroll you for that reason.

-----o-----

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce G. Jones

MAY 11 1906
FILED
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
FILED

CHEROKEE FREEDMEN

CANCELLED

Original testimony Box
Mem. of [illegible] Box
Notice & Pleadings

This jacket cancelled
and testimony transferred
to C F D-6 [illegible] March 15, 190[illegible]

[illegible] of testimony filed
in Choctaw Nation

Cher Fr R 17

Cher Fr R 17

Department of the Interior
Commission to the Five Civilized Tribes
Muscogee, May 11th, 1900.

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In the matter of the application for enrollment as a Cherokee Freedman by
Jake McDaniel.

Jake McDaniel, being duly sworn, deposed as follows:

Q - What is your name?

A - Jake McDaniel.

Q - How old are you?

A - I guess I must be about 37 or 38.

Q - What is your post office address? A - Ridge now.

Q - Where do you live?

A - I live about a mile and a half north of Ridge.

Q - How long have you been living in the Creek Nation?

A - I came over in the Creek Nation in 1879.

Q - Have you resided outside the Territory during the past three years? A - No, sir.

Q - Is your name to be found on the 1880 roll?

A - No, sir, when I went in they had just made up the roll and sent it in and I never gotan it.

Q - Were you a slave? A - Yes, sir.

Q - Who was your owner? A - Captain Smith, and Lize Smith.

Q - Where did they live? A - In the Canadian district.

Q - What was your father's name?

A - Dennis Mackey; he was killed during the war.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - To which district did he belong?

A - To the Illincia, if I am not mistaken. He belonged to Bill Mackey.

Q - What was your mother's name?

A - Her name was Lucy Smith.

Q - Is she living or dead?

A - She died in 1897.

Q - Was she a Cherokee Freedman? A - Yes, sir.

Q - Where your residence?

A - On main South and Third Faith.

Q - Are you married? A - Yes, sir.

Q - What is the name of your wife?

A - Margaret.

Q - Is she a Choctaw?

A - No, sir, a Creek. The 1896 roll was made up and sent in a few days before I came in.

---o---

Mr. Bixby: We must refuse your enrollment, for the reason that your name is not found on the approved

---o---

Department of the Interior,
Commission to the Five Civilized Tribes
I hereby certify that the foregoing
is a true and correct copy of the
original now on file in this office.
Witness my hand this
day of
Secretary.

FILED
MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES

Q - Whowas your mother's owner?

A - Captain Smith and Lina Smith.

Q - Are you married? A - Yes, sir.

Q - What is the name of your wife?

A - Harriett.

Q - Is she a Cherokee?

A - No, sir, a Creek. The 1880 roll was made up and sent in a few days before I came in.

Mr. Bixby: We must refuse your enrollment, for the reason that your name is not found on the authenticated roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bessie C. Jones

FILED
MAY 11 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

C.F.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24, 1902.

In the matter of the application of Frederick Downing for the enrollment of himself as a Cherokee freedman; said Downing being duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Frederick Downing.
Q How old are you? A As near as I can remember about 69 or 70 years old.
Q What is your post office address? A Sallisaw.
Q What district in the Cherokee Nation are you living in Sallisaw.
Q Do you apply for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you apply for anyone besides yourself? A I have a son here.
Q How old is he? A 24 years old.
Q He will have to apply for himself. Have you ever been recognized by the tribal authorities of the Cherokee Nation as a freedman? A Well, I have always been amongst them.
Q Have you ever drawn any money from the authorities of the Cherokee Nation? A No, sir.
Q Where were you born? A I was born in Missouri, so my mother said.
Q Have you ever resided in the Cherokee Nation prior to this time? A Yes, sir, I have been here, about 39 years.
Q You came here then during the war? A Yes, sir; I was in there before the war.
Q How long didyou continue to reside here? A I have been here ever since until I went in the army.
Q Did you live in the Cherokee Nation during the war? A Yes, sir; soldiering eight years.
Q When did you return after the close of the war? A I think it was '69; I was mustered out. I think it was '69, Tenth Cavalry.
Q Did you belong to a Cherokee? A Well, my mother was free born and so was I.
Q You never belonged to anyone? A No, sir.

The tribal rolls of the Cherokee Nation in the possession of the Commission examined and fail to disclose the name of the applicant thereon.

The

Q What was your father's name? A My father is name was Arthur Harris.
Q What was your mother's name? A Charlotte Downing, she was a daughterof one of the Downings.
Q How long was it after your discharge from the army that you came to theCherokee Nation? A I was right in the Cherokee Nation.
Q When you were discharged? A Yes, sir.
Q Did you apply to the Kern-Clifton Commission for enrollment in 1896? A Yes, sir.
Q What action did that Commission take with reference to your application? A Didn't take it, said they wasn't ready.
Q You didn't draw money at that time? A No, sir, never did draw any money.
Q Where did you apply to the Commission, at what place? A I applied here.
Q In Muskogee? A Yes, sir; in June, 8th or 9th of June.
Q Of what year? A I don't know the years at all.

Commission: Frederick Downing applies for the enrollment of himself as a Cherokee freedman. He is not identified upon any of the tribal rolls of the Cherokee Nation now in the possess

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COMMISSIONER OF THE LAND OFFICE

sion of the Commission. By reason of the fact that the applicant is not identified on any of the tribal rolls of the Cherokee Nation, his application seems to come within the temporary injunction recently granted by Judge Gill, of the U. S. Court for the Northern District of Indian Territory. Consequently the application which Frederick Downing makes for the enrollment of himself as a freedman of the Cherokee Nation will be rejected.

---oooOOOooo---

I, J. O. Rosson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of my stenographer notes thereof.

J. O. Rosson

ENROLLMENT PROOF

R 17

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION O

Jake McDaniel

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 11-'00

B. Motion for continuation May 11-'00

C. Notice of hearing.

I hereby certify that the foregoing

CANCELLED

Cher Fr R 18

Cher Fr R 18

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee Freedman by
Wesley Vann.

Wesley Vann, being duly sworn, deposed as follows:

Mr. Bixby: How old are you? What is your name?

A - Wesley Vann. I am about 37.

Q - What is your post office address? A - Ridge.

Q - Where do you live? A - Out close to Ridge.

Q - Creek Nation? A - yes, sir.

Q - How long have you been living in the Indian Territory?

A - Been living here all my days from eight years old up to now.

Q - Ever live in the Cherokee Nation?

A - Yes, sir, lived up there around Lennapa.

Q - How long ago did you leave that?

A - About thirteen years ago.

Q - Have you lived outside the Indian Territory during the last three years? A - No, sir.

Q - To which district do you belong?

A - I belong to the Coowoosacoowee district.

Q - Were you a slave?

A - My father and mother was?

Q - What was your father's name? A - Toby Vann.

Q - Is he living or dead.?

A - He died during the war.

Q - Was he a Cherokee Freedman? A - yes, sir.

Q - To which district did he belong?

A - I don't know, sir.

Q - Who was your father's owner?

A - Clarinda Vann.

Q - What was your mother's name?

A - Mary Vann.

Q - Is she living or dead. A - She is dead.

-2-

Q - Was you ever married?

A - Only Arrold.

Q - Are you divorced? A - Some say.

Q - What is the use of your name?

A - Some Dutch.

Q - Do you [illegible] A - No, I

Q - [illegible]

A - [illegible]

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[illegible] Department, for the information

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Department of the Interior,

Respectfully,

FILED
MAY 17 1900
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 17 1900

Q - Was she a Cherokee freedman? A - Yes, sir.

Q - Who was your mother's owner?

A - Polly Archie.

Q - Are you married? A - Yes, sir.

Q - What is the name of your wife?

A - Josephine.

Q - Is she a Cherokee? A - No, sir.

Q - Does she belong to any of the Five Tribes?

A - Belongs to the Creeks.

Your enrollment is refused, for the reason that your name is not found on the Cherokee authenticated roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that the transcript is a true, full and correct translation of my stenographic notes.

Bruce B. Jones

FILED
MAY 17 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

B. J.C.H.

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

R. 18

CHEROKEE FREEDMEN.

Date 5/11 1900.

Name Wesley Vann age 37

District Coo. Ruege P.O. Year Page No.

Mother's citizenship Cherokee freedwoman. Mary Vann deceased.

Married? yes

License Certificate

Wife's name Josephine - Creek.

District Year Page No.

Mother's citizenship

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Cherokee Freedman B-18

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., November 15, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Wesley Vann as a Cherokee Freedman.

On October 14, 1904, the applicant was notified by registered mail, and on October 26, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application of Wesley Vann for enrollment as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes at its offices in Muskogee, Indian Territory, on the 15th day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter.

Now on this 15th day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o :O: -o-o-o-o-o-

M. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

M M Vance

Subscribed and sworn to before me this 5 day of December, 1904.

Charles H. Sawyer
Notary Public

C78

Cherokee Freedman R 18

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Wesley Vann as a Cherokee Freedman.

-:-

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on May 11, 1900, Wesley Vann appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Cherokee Freedman.

The testimony of the said Wesley Vann taken at Muskogee Indian Territory on May 11, 1900, fails to show that either he or his parents complied with Article IX of the Treaty of 1866, and since this testimony was taken, although ample opportunity has been afforded the said applicant to appear and establish by satisfactory evidence his right to enrollment as a Cherokee Freedman, he has failed to do so, or to respond in any manner to the notices sent him. Said applicant can not be identified on any roll of citizens of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1466-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04) and Moses Ross (I.T.D 6056-04), under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Wesley Vann is not entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this NOV 14 1905

Cherokee Freedmen 1-18.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Wesley Vann as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on May 11, 1900, Wesley Vann appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a Cherokee freedman.

The evidence in this case shows that Wesley Vann was born the slave of a Cherokee citizen; that he was never taken out of the Cherokee Nation during the rebellion and that he lived continuously in said Nation until about thirteen years ago, when he removed to the Creek Nation, where he has continued to reside since that time.

It is, therefore, the opinion of this Commission that Wesley Vann should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.
ALLISON L. AYLESWORTH, Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., June 4, 1900

Wesley Vann,

Ridge, Indian Territory.

Dear Sir:

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will, therefore, be given a further hearing at any one of the points named on the enclosed circular or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900

Yours truly,

Acting Chairman.

Chero. L.

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RU MAH

(COPY) JOR

Tahlequah, Indian Territory, January 29, 1904.

Wesley Vann,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of January 1, asking if you will be permitted to select and occupy certain land in the Cherokee Nation, and stating that your wife is a claimant to citizenship in the Cherokee Nation.

In reply, you are advised that, under the provisions of the Cherokee Agreement, proclaimed August 12, 1902, no person, whose name does not appear upon the roll of citizens prepared by this Commission, shall be entitled to in any manner participate in the distribution of the common property of the Cherokee tribe.

If your wife did make application for enrollment, you are requested to advise the Commission when, where and under what name she made such an application, upon receipt of which information a further effort will be made to identify her application, and if identified, you will be advised as to her status.

Under a further provision of the Agreement above referred to, the roll of citizens of the Cherokee Nation is now closed and

Wesley Vann, -#

the Commission is, therefore, without authority to receive applications for enrollment as members of that tribe of Indians.

Respectfully,

(Signed) T. B. Needles,

Commissioner in Charge.

MFM

1178.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON J. AYLESWORTH,
SECRETARY

ADDRESS ALL MAIL
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R 18

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Wesley Vann for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show definitely whether or not he is entitled to enrollment as a Cherokee Freedman.

The said Wesley Vann has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-18.

Muskogee, Indian Territory, February 25, 1904.

Louis T. Brown,

Agent for Wesley Vann,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Wesley Vann for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show definitely whether or not said Wesley Vann is entitled to enrollment as a Cherokee freedman.

The said Wesley Vann has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Monday, April 4, 1904, at nine o'clock A. M., and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 18

Muskogee, Indian Territory, February 25, 1904.

Wesley Vann,

Ridge, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced tending to show definitely whether or not you are entitled to enrollment as a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-18.

Muskogee, Indian Territory, April 20, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In accordance with the verbal request of Wesley Vann, Cherokee Freedmen R 18, the taking of further testimony in the matter of his application for enrollment as a Cherokee freedman has been continued to April 27, 1904.

Said Wesley Vann has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 27, 1904, and introduce testimony tending to show definitely whether or not he is entitled to enrollment as a Cherokee freedman.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-18.

Muskogee, Indian Territory, August 26, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that in accordance with the applicant's request, Wesley Vann has been this day notified that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M. on Wednesday, September 22, 1904, and introduce the testimony of such witnesses as he may be able to procure tending to show more definitely his right to enrollment as a Cherokee freedman. The Cherokee Nation will be permitted to appear on that date and introduce the testimony of such witnesses as they may desire to offer in rebuttal of the testimony offered by the applicant.

Respectfully,

Chairman.

Cherokee Freedmen

R-18.

Muskogee, Indian Territory, August 26, 1904.

Frank L. Moulton,

Attorney for Wesley Vann,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with the applicant's request, Wesley Vann has this day been notified that he will be permitted to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Wednesday, September 22, 1904, and introduce the testimony of such witnesses as he may be able to procure, tending to show more definitely his right to enrollment as a Cherokee freedman.

Respectfully,

Chairman.

Cherokee Freedmen

R-18.

Muskogee, Indian Territory, August 26, 1904.

Wesley Vann,

Ridge, Indian Territory.

Dear Sir:

In accordance with your verbal request, you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 28, 1904, and introduce testimony tending to show more definitely whether or not you are entitled to enrollment as a Cherokee freedman.

Respectfully,

Chairman.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-18.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application of Wesley Vann for enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Acting Commissioner.

Incl. S-164

Cherokee Freedmen

R-18.

COPY.

Muskogee, Indian Territory, November 24, 1905.

F. L. Moulton,

Attorney for Wesley Vann,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application of Wesley Vann for enrollment as a Cherokee freedman. You have heretofore been furnished a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(SIGNED).

Geo. D. Rodgers

Acting Commissioner.

Incl. S-163

Cherokee Freedmen

R-18.

COPY.

Muskogee, Indian Territory, November 24, 1905.

Wesley Vann,

Haskell, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting your application for enrollment as a Cherokee freedman. Your attorney, F. L. Moulton, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(SIGNED).

Elwood Rodgers

Acting Commissioner.

Incl. S-162
Register

COPY.

Muskogee, Indian Territory, November 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Wesley Vann as a Cherokee freedman, including the Commissioner's decision dated November 24, 1905, rejecting said application.

Respectfully,

SIGNED.

Geo. D. Rodgers

Acting Commissioner.

Incl. S-165

Through the

Commissioner of Indian Affairs.

-COPY-

DEPARTMENT OF THE INTERIOR,

Land.
95412,1905

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. June 2, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated November 24, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Wesley Vann.

November 24, 1905, the Commissioner decided adversely to the applicant.

Although ample time and opportunity has been afforded there is no testimony in the case, other than the vague statement of the applicant showing that the applicant or his ancestors were the slaves of a Cherokee citizen or free colored persons residing in the Cherokee Nation at the beginning of, or during the Civil War, or that they returned thereto on or prior to February 11, 1867.

In view of the record, the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

MMM-McC.

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR, LLB

D. C. 23725
I.T.D. 10082-1906.

WASHINGTON.

June 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

November 24, 1905, your office transmitted the record in the matter of the application for the enrollment of Wesley Vann as a Cherokee freedman.

Reporting June 2, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated November 24, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
R-18.

COPY.

Muskogee, Indian Territory, June 20, 1906.

F. T. Moulton,

Attorney for Wesley Vann,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application of Wesley Vann for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior, June 8, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

(SIGNED):

Tams Bixby.

Commissioner.

Encl. H.J.-85.
H.J.C.

Cherokee Freedmen
R-18

COPY.

Muskogee, Indian Territory, June [illegible], 1906.

Wesley Wann,

Haskell, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior June 8, 1906.

Respectfully,

(SIGNED).

Tams Bixby.
Commissioner.

H.J.C.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-18

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 20, 1906.

Bell, Hastings and Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application of Wesley Vann for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior, June 9,1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

Commissioner.

Encl.H.J.-86.
H.J.C.

D 6R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 1901

ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, I.T. 10/30/01.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Wesley Vann for enrollment as Freedmen of the Cherokee Nation.

Louis T Brown
Agt for applicant

No. F.R 18

Cher Fr R 19

Cher Fr R 19

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee freedman by
Sarah London, for herself, and for Irene, Wm and Levi London.

Sarah London, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Sarah London.

Q - How old are you?

A - I can't tell, I don't know exactly.

Q - How old were you at the time the war broke out?

A - I can't tell you.

Q - How big a girl? A - I was grown then.

Q - Were you married? A - No, sir, I wasn't married.

Q - Old enough to be married? A - Yes, sir.

Q - What is your post office? A - Muscogee.

Q - Where do you live? A - I live at Muscogee.

Q - How long have you been living in the Creek Nation?

A - Been here I can't tell exactly how long; I have been here pretty near ever since Muscogee started.

Q - Did you ever live in the Cherokee Nation?

A - Yes, sir. I was raised there up in Sperriney.

Q - Have you lived outside the Territory during the last three years? A - No, sir.

Q - To which district do you belong? A - To the Cooweescoowee

Q - Were you a slave?

A - Yes, sir, I belonged to Mr. Lewis Rogers.

Q - What was your father's name? A - Peter.

Q - Is he living or dead? A - He is dead.

Q - Was he a Cherokee freedman?

A - Yes, sir, he belonged to Lewis Rogers.

Q - Which district did he belong in? A - Cooweescoowee.

Q - Who was your father's owner? A - Lew Rogers.

Q - What was your mother's name? A - Louisa.

Q - Is she living or dead?

A - No, sir, she is dead.

Q - Was she a Cherokee freedman? A - Yes, sir.

Q - Who was your mother's owner? A - Louis Rogers.

Q - Are you married? A - Yes, sir.

Q - What is your husband's name?

A - Ed London.

Q - Is he a Cherokee? A - No, sir, a Creek.

Q - Have you any children under 21 years of age.

A - I cannot tell exactly how old they are, from children and small children.

Q - Have you got any little ones?

A - I have some, but they are nearly grown.

Q - Are they under 21? Give us their names and ages as near as you can come at it.

A - Irene, about 20. Sam, about 19. Lori, about 18.

Q - How long have you been married?

A - Ever since I got free.

Q - Married a man named London?

A - Yes, sir, Ed London.

Q - Does that make your name London? A - Yes, sir, but I was going by my old mother's name; I had it put down that way.

Q - You were married to London? A - Yes, sir.

---o---

Your enrollment is refused for the reason that you are not [illegible] Creek Roll of 1880.

FILED
MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

FILED
MAY 11 1900

Q - Is she living or dead?

A - No, sir, she is dead.

Q - Was she a Cherokee freedman? A - Yes, sir.

Q - Who was your mother's owner? A - Louis Rogers.

Q - Are you married? A - Yes, sir.

Q - What is your husband's name?

A - Ed London.

Q - Is he a Cherokee? A - No, sir, a Creek.

Q - Have you any children under 21 years of age.

A - I can't tell exactly how old they are. I have grown children and small children.

Q - Have you got any little ones?

A - I have some, but they are nearly grown.

Q - Are they under 21? Give us their names and ages as near as you can come at it.

A - Irene, about 20, Han, about 19, Levi, about 18.

Q - How long have you been married?

A - Ever since I got free.

Q - Married a man named London?

A - Yes, sir, Ed London.

Q - Does that make your name London? A - Yes, sir, but I was going by my old master's name; I had it put down that way.

Q - You were married to London? A - Yes, sir.

Your enrollment is refused for the reason that your name is not found on the authenticated Cherokee Roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Grace E. Jones

RECEIVED
MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MAY 11 1900

IN THE MATTER OF THE APPLICATION O

Sarah [illegible] et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 11. 1

B. Mem. of application, May 11. 1

C. Notice of hearing.

This [illegible] cancelled April 4 1902 and testimony transferred to [illegible]

Copy of [illegible] filed with Dawes Roll

CANCELLED

Cher Fr R 20

Cher Fr R 20

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee freedman by
Cullis Rowe.

Cullis Rowe, being duly sworn, deposed as follows:

Mr. Dixon: What is your name? A - Cullis Rowe.

Q - How old are you? A - 20.

Q - What is your post office address? A - Muskogee.

Q - Where do you live?

A - I live in the Creek Nation near Checotah.

Q - How long have you been living in the Creek Nation?

A - Ever since I can remember.

Q - Have you lived outside the Territory during the past five years?

A - No, sir.

Q - To which district do you belong? A - Cherokee Nation.

Q - Is your name found on the roll of 1880? A - Yes, sir.

Q - Were you a citizen? A - Yes, sir.

Q - What was your father's name? A - George Rowe.

Q - Is he living or dead? A - Living.

Q - Is he a Cherokee freedman? A - Yes, sir; Cherokee.

Q - To which band does he belong? A - I don't know, sir.

Q - Who was your father's owner? A - I don't know, sir.

Q - What was your mother's name? A - Nelson Rowe.

Q - Is she living or dead? A - She is living.

Q - Is she a Cherokee freedman? A - Yes, sir.

Q - Who was your mother's owner? A - Polly Archie.

RECEIVED
MAY 11 1900
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, OKLA., May 11th, 1906.

In the matter of the application for enrollment as a Cherokee Freedman by
Gullie Rowe.

Gullie Rowe, being duly sworn, deposed as follows:

Mr. Kirby: What is your name? A - Gullie Rowe.

Q - How old are you? A - 26.

Q - What is your post office address? A - Checotah.

Q - Where do you live?

A - I live in the Creek Nation near Checotah.

Q - How long have you been living in the Creek Nation?

A - Ever since I can recollect.

Q - Have you lived outside the Territory during the past five years? A - No, sir.

Q - To which district do you belong? A - Coweta.

Q - Is your name found on the roll of 1880? A - No, sir.

Q - Were you a slave? A - No, sir.

Q - What was your father's name? A - George Rowe.

Q - Is he living or dead? A - Living.

Q - Is he a Cherokee freedman? A - No, sir, Seminole.

Q - To which band does he belong? A - I don't know, sir.

Q - Who was your father's owner? A - I don't know, sir.

Q - What was your mother's name? A - Peachy Rowe.

Q - Is she living or dead? A - She is living.

Q - Is she a Cherokee freedman? A - Yes, sir.

Q - Who was your mother's owner? A - Polly Archie.

Q - Are you married? A - Yes, sir.

Q - What is the name of your wife? A - Charlotte Rowe.

Q - Is she a Cherokee? A - No, sir.

Q - Belong to any of the Five Tribes? A - She is a Creek.

Your enrollment is refused for the reason that you were not found on the authenticated Dawes Roll or list.

RECEIVED
MAY 11 1906
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Department of the Interior,
Commission to the Five Civilized Tribes.

ENROLLMENT REFUSED.

R20

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Sally Ross

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELLED

1. Original Testimony, May 11-1900
2. Mem. of Publication, May 11, 1900
3. Notice of Hearing.

Cher Fr R 21

Cher Fr R 21

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by Chlorie Ann Gross, for herself and for Pint Gross.

Chlorie Ann Gross, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Chlorie Ann Gross.

Q - How old are you? A - I don't know.

Q - Do you think you are 40? A - No, sir, not that old.

Q - Are you 30? A - I don't know, sir.

Q - How long have you been married?

A - About three years.

Q - What is your post office address? A - Muscogee.

Q - Where do you live? A - In Canadian.

Q - Creek Nation?

A - No, sir, Canadian District.

Q - How long have you been living in the Cherokee Nation?

A - Ever since I recollect.

Q - Have you lived outside the Territory during the past three years? A - No, sir.

Q - To which district do you belong? A - Canadian.

Q - What was your father's name?

A - Squire Sanders.

Q - Is he living or dead? A - He is living.

Q - Is he a Cherokee Freedman? A - Yes, sir.

Q - To which district does he belong?

A - The same district, Canadian.

Q - Who was your father's owner? A - I don't know, sir.

Q - What was your mother's name? A - Katie.

Q - Is she living or dead?

A - She is dead.

Q - Was she a Cherokee Freedman? A - yes, sir.

Q - Who was her owner?

A - I don't know, sir.

Q - Are you married? A - Yes, sir.

Q - What is the name of your husband?

A - [illegible]

Q - Is he a Freedman? A - yes, sir.

Q - Have you any children?

A - yes, sir, I have one.

Q - What is the name?

A - [illegible], two years old.

---o---

[illegible] enrollment is refused for the reason that [illegible] does not appear on the enrollment of 1880, and neither she nor [illegible] descendant of a person whose name appears on the roll of 1880.

---o---

[illegible] of the [illegible]

[illegible]

[illegible]

[

Q - Was she a Cherokee Freedman? A - yes, sir.

Q - Who was her owner?

A - I don't know, sir.

Q - Are you married? A - Yes, sir.

Q - What is the name of your husband?

A - Lee Gross.

Q - Is he a Cherokee? A - yes, sir.

Q - Have you any children?

A - yes, sir, I have one.

Q - What is the name?

A - Pint Gross, two years old.

Your enrollment is refused for the reason that your name does not appear on the enrollment of 1880, and neither are you a descendant of a person whose name appears on the roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Bruce C Jones

ENROLLMENT REFUSED.

R21

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Wilson Ar[illegible] et al

FOR E[illegible]T AS

CHEROKEE FREEDMEN

1. Original testimony, May 11-00
2. Mem. of application, May 11-00
3. Notice of hearing.

CANCELLED

Cher Fr R 22

Cher Fr R 22

A

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Emma Brown, for herself and for Ora and Joanna Neal.

Emma Brown, being duly sworn, deposed as follows:

Mr. Bixby: How old are you? What is your name?

A - Emma Brown. I am 24 years old.

Q - What is your post office address? A - Muscogee.

Q - Where do you live?

A - In Canadian District, in the Cherokee Nation.

Q - How long have you been living in the Cherokee Nation?

A - About seven years.

Q - Have you lived outside the Territory during the past three years? A - No, sir.

Q - To which district do you belong? A - Canadian.

Q - Is your name on the roll of 1880?

A - Yes, sir, I think so; I don't know.

Q - From which district were you enrolled in 1880?

A - Canadian; I don't know, sir.

Q - What was your father's name? A - Richard Gross.

Q - Richard Gross, is he living or dead? A - Living.

Q - Is he a Cherokee Freedman?

A - No, sir, a United States man.

Q - What is your mother's name? A - Laura Gross.

Q - Is she living? A - Yes, sir.

Q - Is she a Cherokee Freedman? A - Yes, sir.

Q - Who was your mother's owner?

A - James Allen Thompson.

Q - Are you married? A - Yes, sir.

Q - What is your husband's name? A - Andrew Brown.

Q - Is he a Cherokee?

A - He is a Creek.

Q - Have you any children under 21 years of age?

-2-

A - Yes, sir, I have two.

Q - Give us their names and ages.

A - One Neal, 10, and Jemima Neal, 8.

Q - You have been married before, have you? A - Yes, sir.

Q - Then your children are named Neal? A - Yes, sir.

Q - What was your name in 1900, so young Arch

A - I was Nancy Brown.

Q - Your first husband's name was Neal, was it

A - Yes, sir.

Q - Was he a Cherokee freedman?

A - No, sir, he was a United States [redacted]

-----Q-----

Your enrollment is refused for the reason that you are not found on the authenticated Cherokee roll of [redacted]

-----C-----

Department of the Interior,

[redacted]

[redacted]

[redacted]

A - Yes, sir, I have two.

Q - Give us their names and ages.

A - Ora Neal, 10, and Joanna Neal, 8.

Q - You have been married before, have you? A-- Yes, sir.

Q - Then your children are named Neal? A - Yes, sir.

Q - What was your name in 1880, 20 years ago?

A - I was Emma Gresa.

Q - Your first husband's name was Neal, was it?

A - Yes, sir.

Q - Was he a Cherokee Freedman?

A - No, sir, he was a United States m[illegible]



---o---

Your enrollment is refused for the reason that your name is not found on the authenticated Cherokee roll of 1880.

---o---

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Irma C. Jones

ENROLLMENT REFUSED.
CHEROKEE FREEDMAN. R 22

IN THE MATTER OF THE APPLICATION OF

Emma [redacted] et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

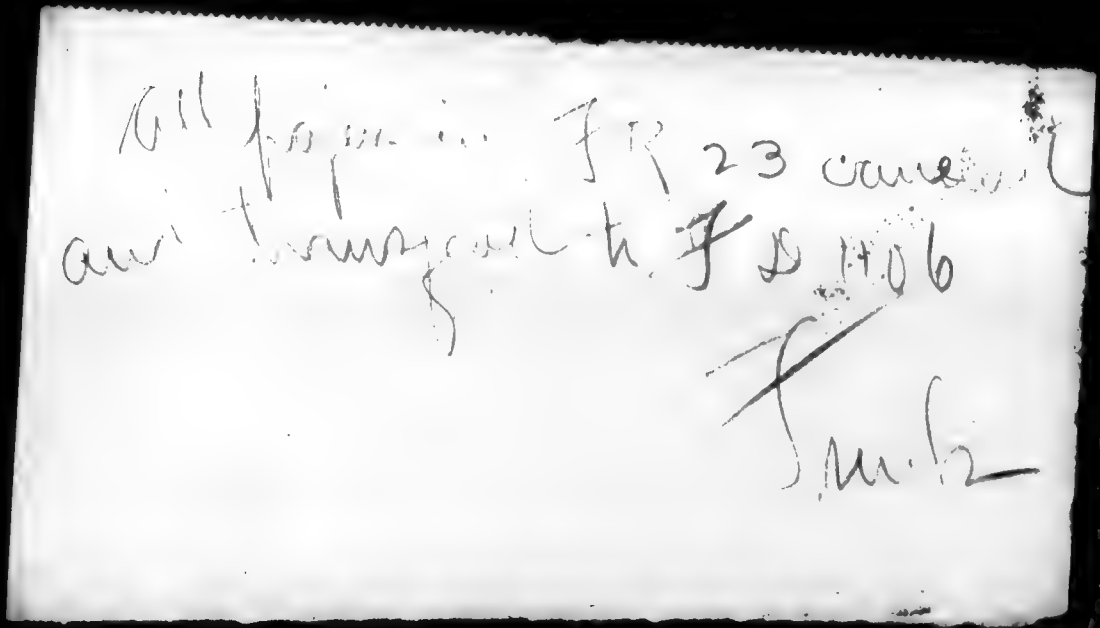
CANCELLED

1. Original testimony May 11. 00
2. Mem. of application May 11-00
3. Notice of hearing.

Copy of testimony sent with [illegible]

·Cher Fr R 23

Cher Fr R 23



ENROLLMENT REFUSED.

CHEROKEE FREEDMAN.

R 23

IN THE MATTER OF THE APPLICATION OF

Jamie Simmons

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELLED

1. Original testimony May 11. 1900
2. Views of application May 11. 1900
3. Supplemental testimony April 15. 1901
4. Supplemental testimony April 15. 1901
5. Notice of hearing
6. Receipt for testimony.

Cher Fr R 24

Cher Fr R 24

ENROLLMENT REFUSED.

R24

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

William [illegible] et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 11. 1900

B. Mem. of application May. 11. 1900

C. Notice of claim.

CANCELLED

508

Cher Fr R 25

Cher Fr R 25

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee Freedman by Easter Williams, for herself and for Silvie and Alice Williams.

Easter Williams, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A - Easter Williams.Grimmett

Q - How old are you?

A - Somewhereas along in the forties.

Q - Do you ever have any other name than Grimmett?

A - Yes, sir, Easter Williams.

Q - What is your name now? A - Easter Williams.Grimmett.

Q - You haven't married since Williams died?

A - No, sir.

Q - You didn't get any order of the Court changing your name back to Grimmett, did you?

A - No, sir.

Q - Then your name is Williams, isn't it?

A - Yes, sir, it would be.

Q - What is your post office address?

A - Muscogee; I live in Linnapa when I am at home.

Q - How long have you been living in the Cherokee Nation?

A - Lived here all my days.

Q - Have you lived outside the Territory during the past three years? A - No, sir.

Q - To which district do you belong?

A - Ceowesseeoomw district.

Q - Is your name to be found on the 1880 roll?

A - yes, sir, I suppose so.

Q - From which district were you enrolled in 1880?

A - Tahlequah.

Q - Were you a slave? A - yes, sir.

Q - Who was your owner? A - Bill Grimmett.

Q - What was your [illegible] name? A - Jack Hutchings.

Q - Is he living or dead? A - He is dead.

Q - Was he a Cherokee Freedman? A - Yes, Sir.

Q - To which district did he belong? A - Canadian.

Q - How was your father employed? A - Butcher.

Q - What was your mother's name? A - Silvia.

Q - Is she living or dead?

A - She is dead.

Q - Was she a Cherokee Freedman? A - Yes, Sir.

Q - To what district did she belong? A - Canadian.

Q - Are you married?

A - No, Sir, I was married.

Q - What was your wife's name?

A - Dee Williams.

Q - Was she a Cherokee? A - Yes, Sir, a Cherokee.

Q - Have you any children under 21 years of age?

A - No, [illegible] was 15.

Q - What is the name of [illegible]?

A - Sylvia Williams, [illegible], and Jack, Jr.

Q - Did you ever receive more than Thirteen Dollars?

A - No, Sir, [illegible] and drew [illegible] who was called the bread money, [illegible] they made us [illegible].

Q - Did you ever receive any other Distribution?

A - No, sir, only as the rolls were [illegible].

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MAY 17 1909
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
MAY 17 1909

Q - What was your father's name? A - Jack Ratcliffe.

Q - Is he living or dead? A - He is dead.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - To which district did he belong? A - Canadian.

Q - Who was your father's owner? A - Ratcliffe.

Q - What was your mother's name? A - Silvia.

Q - Is she living or dead?

A - She is dead.

Q - Was she a Cherokee Freedman? A - Yes, sir.

Q - Who was your mother's owner? A - Grimmett.

Q - Are you married?

A - No, sir, I am a widow now.

Q - What was your husband's name?

A - Dan Williams.

Q - Was he a Cherokee? A - No, sir, a state man.

Q - Have you any children under 21 years of age?

A - No, sir, I have got one 14 and one 15.

Q - What is the name of the oldest?

A - Silvia Williams, 15, and Alice, 14.

Q - Did you ever have any other name than Williams or Grimmett?

A - No, sir, that is all. I have drew first what was called the bread money, and then the next of course was the $15.50; they made me two payments with the Cherokees.

Q - Did you ever have any other Christian name?

A - No, sir, that is the only two names.

Q - I mean your first name is Easter; were you ever called anything else than Easter?

A - When I would hire out the white folks would call my Easter.

---Q---

Your enrollment is refused for the reason that your name does not appear on the authenticated Cherokee roll of 1880.

FILED
OCT 11 1907
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.

ENROLLMENT REFUSED.

R 25

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Easter Williams et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELLED

A. Original testimony May 11-1900

B. Mem. of application May 11-1900

C. Notice of hearing.

Record transferred to

[illegible]

Application [illegible] filed

with [illegible]

Cher Fr R 26

Cher Fr R 26

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee freedman by
Joseph Vann.

Josephx Vann, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A - Joseph Vann.

Q - How old are you?

A - About 43; something close to that.

Q - What is your post office address? A - Choska.

Q - Where do you live?

A - I live in the Creek Nation near Choska.

Q - How long have you lived in the Creek Nation?

A - Off and on about seven or eight years.

Q - How long have you been in the Indian Territory?

A - All my life.

Q - Haven't you lived outside the Territory during the last three years? A - No, sir.

Q - To which district do you belong?

A - I don't know to which district I belong; I was bred and born in Saline District.

Q - Do you know whether your name is on the 1880 roll?

A - No, sir.

Q - From which district were you enrolled in 1880?

Q - I don't know, sir.

Q - Were you a slave? A - yes, sir.

Q - Who was your ~~former~~ owner?

A - Old Abe Vann; his grand-daughter.

Q - What was your father's name? A - John Rowe.

Q -)Is he living or dead? A - He is dead.

Q - Was he a Cherokee freedman? A - Yes, sir.

Q - To which district did he belong?

A - He belonged in the same district; in Saline district.

Q - Who was your father's owner? A - Dave Rowe.

Q - What was your mother's name? A - Emily.

A - Is she living or dead? A - Dead.

Q - Was she a Cherokee freedman? A - Yes, sir.

Q - Who was your mother's owner?

A - The grand-daughter of old Abe Vann.

Q - Are you married? A - Yes, sir.

Q - What is your wife's name? A - Rachel.

Q - Is she a Cherokee? A - No, sir.

Q - Does she belong to any of the Five Tribes?

A - She is a Chickasaw.

Q - Have you any children by any other woman than your present wife? A - No, sir.

Q - Were you ever known as Joseph B. Vann? A - Yes, sir.

Q - What does the B stand for?

A - I don't know, sir, I can't read.

Q - What is your other name besides Vann?

A - Joseph B. Vann; that is the way the Commission put it; that is all I can tell; I can't read and write.

Q - Did you draw the $14?

A - I drew the $15.50. I didn't come up at the payment, I got it in 1898.

Q - Did you ever have any children that were on the Cherokee rolls? A - No, I guess not.

Q - Who is John Vann ?

A - That may be some more; there is a whole lot of the Vanns.

Q - Did you know any John Vann; anybody in your family named John Vann?

A - None of my children named John Vann.

Q - Did you ever have a farm in the Illinois district?

A - No, sir.

Q - Who was Sam Vann, do you know him?

A - Yes, sir, a cousin of mine.

Q - Who is Hattie? A - Sam Vann's wife.

Q - Can [illegible] me, what [illegible] now?

A - No, sir, not that I know of.

Q - Is [illegible] Vann?

A - Yes, sir, she is [illegible] daughter.

Q - Who is Minnie? A - [illegible] son.

Q - Honey? A - [illegible] daughter Annie.

Q - Was [illegible] a farmer?

A - Yes, sir.

Q - You never [illegible] a farmer in Choctaw County? A - No, sir.

Q - Didn't work [illegible] there on a farm?

Q - Ever call you anything but Vann?

A - They called me Rowe by my father, too, [illegible] Annie Vann.

me on the roll.

[illegible] enrollment is rejected for the reason that [illegible] name is not found on the authenticated roll of 1896.

Department of [illegible]

I hereby certify that [illegible] stenographically [illegible] and that the foregoing transcript is a true and correct transcript of my stenographic notes.

[illegible]

MAY 27 1909
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DEPARTMENT OF THE INTERIOR

MAY 27 1909
FILED

Q - Sam Vann got a boy named Joe, about 40 years old now?

A - No, sir, not that I know of.

Q - Do you know Amanda Vann?

A - yes, sir, she is Sam Vann's daughter.

Q - Who is Willis? A - Sam Vann's son.

Q - Roney? A - Sam Vann's daughter again.

Q - Sam then lived in the Cooweescoowee district, a farmer?

A - yes, sir.

Q - You never was a farmer in Cooweescoowee? A - No, sir.

Q - Didn't work up there on a farm? A - No, sir.

Q - Ever call you anything but Vann?

A - They called me Rowe by my father, too, but we made put me on the roll.

Your enrollment is refused for the reason that your name is not found on the authenticated roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my offical oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Simon C. Jones

ENROLLMENT REFUSED

R 26

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Joseph E. Vann

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELLED

A Original testimony May 11-1900

B Wms. of applications May 11-1900

C Notice of rehearing

I am a packet ... d
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Rec'd ... and
with ...

Cher Fr R 27

Cher Fr R 27

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Rhody Canard.

Rhody Canard, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A - Rhody Canard.

Q - How old are you?

A - He says about 60; I don't know my age.

Q - How big a girl were you when the war broke out?

A - They brought me from the old nation. I was about that high when they brought me along.

Q - You were a grown woman and had a family when the war broke out? A - yes, sir.

Q - What is your post office address?

A - Ridge.

Q - Where do you live? A - Just inside of Ridge.

Q - How long have you been living in the Creek Nation; about how long? A - I don't know, sir.

Q - Did you ever live in the Cherokee Nation?

A - yes, sir, they raised me.

Q - Have you lived outside the Territory during the past three years?

A - No, sir.

Q - To which district do you belong?

A - Flint district.

Q - Were you a slave ? A - yes, sir.

Q - Who was your owner? A - William Grimmett.

Q - What was your father's name?

A - My father's name was Harry.

Q - Is he living or dead?

A - yes, sir, he is dead and my mother too.

Q - Was he a Cherokee Freedman? A - yes, sir.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

In the matter of the application for enrollment as a Cherokee Freedman by
Rhody Canard.

Rhody Canard, being duly sworn, deposed as follows:

Mr. Bixby: What is your name? A - Rhody Canard.

Q - How old are you?

A - He says about 60; I don't know my age.

Q - How big a girl were you when the war broke out?

A - They brought me from the old nation. I was about that high when they brought me along.

Q - You were a grown woman and had a family when the war broke out? A - yes, sir.

Q - What is your post office address?

A - Ridge.

Q - Where do you live? A - Just inside of Ridge.

Q - How long have you been living in the Creek Nation; about how long? A - I don't know, sir.

Q - Did you ever live in the Cherokee Nation?

A - yes, sir, they raised me.

Q - Have you lived outside the Territory during the past three years?

A - No, sir.

Q - To which district do you belong?

A - Flint district.

Q - Were you a slave ? A - yes, sir.

Q - Who was your owner? A - William Grimmett.

Q - What was your father's name?

A - My father's name was Harry.

Q - Is he living or dead?

A - yes, sir, he is dead and my mother too.

Q - Was he a Cherokee Freedman? A - yes, sir.

Q - To which Klaprott did he belong?

A - I don't know, sir, I was too small.

Q - Was your father in prison?

Q - Was your mother in prison?

Q - Is she living or dead?

Q - Was she a Jewish prisoner?

Q - You belong to Will Grossmann?

Q - Are you married?

Q - What is the name of your husband?

A - Sam Weinstein, Jewish.

Q - Is he a Socialist?

A - No, sir, a Greek.

Q - Have you any children under 16 years of age?

A - No, sir, I haven't got any children.

Q - Did you ever have any [illegible]

A - No, sir, I never was able to afford.

Q - [illegible]

Q - [illegible]

A - Yes, sir.

Q - [illegible]

A - I [illegible]

Q - [illegible] A - No, sir.

Your application is received for the purpose that you are [illegible] on the 3rd day of [illegible]

FILED
MAY 11 1900
COMMISSION OF THE FIVE CIVILIZED TRIBES
DEPARTMENT OF INTERIOR
MAY 11 1900

Q - To which district did he belong?
A - I don't know, sir, I was too small.
Q - Who was your father's name? A - I don't know sir.
Q - What was your mother's name? A - Judith.
Q - Is she living or dead? A - yes, sir, she is dead.
Q - Was she a Cherokee freedman? A - yes, sir.
Q - Who belong to Bill Grimmett heir? A - yes, sir.
Q - Are you married? A - Yes, sir.
Q - What is the name of your husband?
A - Sam Ockenneth, Canard.
Q - Is he a Cherokee?
A - No, sir, a Creek.
Q - Have you any children under 21 years of age?
A - No, sir, I haven't got any children.
Q - Did you ever have any name Lwaiden Grimmett or Guard?
A - No, sir, I wasn't sold to anybody.
Q - Never went by any other name? A - No, sir.
Q - Did you ever draw any money in the Cherokee Nation?
A - yes, sir.
Q - Which money did you draw?
A - I drawed the Wallace, $15.30.
Q - You didn't draw the strip money? A - No, sir.

Your enrollment is refused for the reason that your name is not found on the authenticated Cherokee Roll of 1880.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that the transcript is a true, full and correct translation of my stenographic notes.

Bruce G. Jones

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN. R 27

IN THE MATTER OF THE APPLICATION OF

Rhoda Howard

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

1. Original testimony May 11, 1900

2. Miscl. & application, May 11, 1901

3. Testimony

CANCELED

Cher Fr R 28

Cher Fr R 28

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

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In the matter of the application for enrollment as a Cherokee freedman by
Winnie Reeves, for herself, and for Sylvester, Benny, Charlie, and Estella Reeves.

Winnie Reeves, being duly sworn, deposed as follows:

Mr. Bixby: What is your name?

A - Winnie Reeves.

Q - How old are you? A - 40 years old.

Q - What is your post office address? A - Muscogee.

Q - Where do you live? A - In Muscogee.

Q - How long have you been living here? A - Two years.

Q - Ever live in the Cherokee Nation?

A - I was born and raised there.

Q - Have you lived outside the Territory during the past three years? A - yes, sir.

Q - How much of the time?

A - All the time, most.

Q - When did you leave the territory?

A - I left the territory when I was quite a girl, about 14 years old.

Q - Where did you go? A - North.

Q - What state? A - Kansas.

Q - Been living there all the time?

A - Until I married and came down here.

Q - When did you come back here?

A - About three years ago; I came back just before the Cherokee payment.

Q - Have you been living here during all the last three years, in the Territory?

A - yes, sir, I have been here for three years.

Q - To which district do you belong? A - Illinois.

Q - [illegible]

A - I [illegible]

Q - Were you [illegible]

Q - [illegible]

A - I was quite [illegible]

Q - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

A - [illegible]

Q - [illegible]

A - [illegible]

FILED
MAY 17 1960
COMMISSION OF ARTS AND CRAFTS
DEPARTMENT OF COMMERCE

Q - From which district were you enrolled in 1880?

A - I wasn't enrolled in 1880.

Q - Were you a slave? A - yes, sir.

Q - Who was your owner?

A - I was quite small for a slave, but my owner was N. P. Ross; lived at Fort Gibson.

Q - What was your father's name? A - Dred Foreman.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - To which district did he belong? A - Illinois.

Q - Who was your father's owner? A - Hunter.

Q - What was your mother's name? A - Caroline Foreman.

Q - Is she a Cherokee Freedman? A - yes, sir.

Q - Who was your mother 's owner?

A - She belonged to N. P. Ross.

Q - Are you married? A - yes, sir.

Q - What is the name of your husband?

A - Bass Reeves, Deputy Marshal out here. He is a State man.

Q - Have you any children under 21 years of age? A - yes, sir.

Q - What is the name of the oldest? A - Rose, 24.

Q - She is not under age?

A - No, sir, she is 24. I have children under 21. I have a boy, Sylvester, 20, Henry, 16, Charlie, 15, Natella, 13.

Q - Did you ever have any other name than these that you gave us, Reeves and Foreman?

A - yes, sir, but my name isn't on the 1880 roll; it was Winnie Dunner on the other rolls.

---o---

Your enrollment is refused for the reason that your name is not found on the authenticated Cherokee roll of 1880.

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Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as Stenographer to above named Commission, that this transcript is a true, full and correct translation of my Stenographic notes.

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN. R 28.

IN THE MATTER OF THE APPLICATION OF

Winnie Rose Wal

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony May 11. 1900

B. Mem. of allotment May 11. 1900

C. Notice of rehearing-

D. Receipt for testimony

CANCELLED

Cross [illegible] filed

with [illegible]

R 28

IN THE MATTER OF THE APPLICATION OF

Winnie Reeves et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Cancelled — Transferred

to D 6 —

Cher Fr R 29

Cher Fr R 29

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 4th, 1901.

In the matter of the application of Letha Ann Harvey for enrollment as a Cherokee Freedman; said Harvey being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A My name is Letha Ann Harvey.
Q How old are you? A I could not exactly tell you my age.
Q Well, about how old? A I think I am about 36 or 39.
Q What is your post office? A Fort Gibson.
Q What district do you live in? A I live here in this district.
Q Illinois district? A Yes, sir.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply for enrollment as a member of any other Nation or tribe? A No, sir.
Q Who do you desire to enroll besides yourself? A Just myself.
Q Were you a born slave? A Yes, sir.
Q What was your owner's name? A My mother's owner's name was John Nicks.
Q Where were you born? A Cherokee Nation I suppose; I was small.
Q Do you recollect where you were at the beginning of the War between the Confederacy and the United States? A No, sir; I was small.
Q Were you taken out at the beginning of the war? A I guess my mohher took me out; I was sucking.
Q When did you come back? A I was 16 years old when I come here.
Q You state you were nursing when you went out; you come back when you were 16 years old; where were you all the time you were out? A I was with my mother.
Q where was that? A Down at Little Rock.
Q Now, you lived in Little Rock, Arkansas, until you were 16 years old? A Yes, sir.
Q Have you always been recognized as a Cherokee Freedman?
A Just as a citizen; I never drew anything; my name is not on any roll.
Q What was your father's name A Dred Foreman.
Q What was your mother's name A Lenora Hankins, before she married uncle dred.
Q Are you married? A No, sir.
Q Have you ever been married? A Yes, sir.
Q What was your husband's name? A Jim Harvey.
Q He is a non-citizen? A Yes, sir.
Q Where were you married? A In Kansas.
Q How long did you live in Kansas after you married? A About three years.
Q Your name before you married was Foreman? A Yes, sir; Letha Ann Foreman.

The 1880 Authentisated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

COM'R NEEDLES:--Letha Ann Harvey applies for the enrollment of herself. She avers that her maiden name was Letha Ann Foreman and that she was born in the Cherokee Nation. Her name is not found upon the authenticated roll of 1880, nor any other roll of the Cherokee Nation. She avers that she has never been recognized as a Cherokee Freedman by the authorities of the Cherokee Nation, consequently her application for enrollment as a Cherokee Freedman will be refused and she will be rejected.

Letha Ann Harvey--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 4th day of April, 1901.

Commissioner.

V. F. R. 29.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 4 1901

ACTING CHAIRMAN

CHEROKEE ENROLLMENT

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 4- 1901

Post Office Hartford

District Illinois

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Letha Harvey Age 39

Owners name John Nix Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father Dead Freedman Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

Cherokee Freedmen R-29.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Letha Ann Harvey as a Cherokee Freedman.

-:-

D E C I S I O N.

The record herein shows that on April 4, 1901, Letha Ann Harvey appeared before this Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself as a Cherokee Freedman.

The evidence does not clearly establish the fact that either the applicant or her mother were the slaves of a Cherokee citizen at the commencement of the Rebellion. The evidence does establish that the applicant, Letha Ann Harvey, was born between the years 1860 and 1865; that she was taken out of the Cherokee Nation during the said Rebellion and did not return thereto until about the year 1880. Said applicant can not be identified on the authenticated Cherokee tribal roll of 1880, nor upon any other roll of the Cherokee nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Letha Ann Harvey as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner

Muskogee, Indian Territory.

FEB 24 1905

1289

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 99

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Letha Harvey for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced showing where she was born, whether she was taken out of the Cherokee Nation during the war of the rebellion, and as to whether or not her parents, or either of them, were Cherokee Freedmen and entitled to enrollment as such.

The said Letha Harvey has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

1128

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
B 29

Muskogee, Indian Territory, February 25, 1904.

Letha Harvey,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced showing where you were born, whether you were taken out of the Cherokee Nation during the war of the rebellion, and as to whether or not your parents, or either of them, were Cherokee Freedmen and entitled to enrollment as such.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

1960

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDING.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
R-89.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of Letha Ann Harvey as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby
Chairman.

Encl. L-55.

[illegible]

[illegible]

Dear [illegible]:

I have in hand [illegible] case of [illegible] proceedings had in the matter of the application of [illegible] a Cherokee freedman, together with a copy of the Commissioner's decision, dated February 24, 1908, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, Tams Bixby.
Chairman.

[illegible]
[illegible]

COPY.

Cherokee Freedmen
R-29.

Muskogee, Indian Territory, February 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Letha Ann Harvey as a Cherokee freedman, including the Commission's decision, dated February 24, 1905, rejecting said application.

Respectfully,

Tams Bixby.
Chairman.
Commissioner in Charge.

Encl. L-56.

Through the
Commissioner of Indian Affairs.

Land.
16833-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. March 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 24, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Letha Ann Harvey.

February 24, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was born between the years 1860 and 1865; that she was taken out of the Cherokee Nation during the war of the rebellion and did not return thereto until about the year 1880. She cannot be identified on any roll of said Nation.

The evidence does not show that the applicant or her mother, was the slave of a Cherokee citizen at the beginning of the war of the rebellion.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D. C. 2665-1906.
I.T.D. 2380,7032-1905.
L.RS.

J.F.Jr.
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 12, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 9, 1905, the Acting Commissioner of Indian Affairs transmitted a report from the Commission to the Five Civilized Tribes dated February 24, 1905, forwarding the record of the application for enrollment as a Cherokee freedman of Letha Ann Harvey.

February 24, 1905, the Commission decided adversely to the applicant.

The Acting Commissioner of Indian Affairs concurs in the decision of the Commission. A copy of his letter is inclosed.

June 9, 1905, the Acting Commissioner of Indian Affairs forwarded a communication from J. W. King, attorney, of Tahlequah, Ind. T., inclosing a petition to reopen this case.

The Department does not find sufficient reason in this petition to warrant the reopening of said case. There is no evidence of service of a copy of this petition upon the attorneys for the nation, and it does not appear that J. W. King has been admitted to practice before the Department.

The petition is accordingly denied. Finding no reason to disturb your decision it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inclosure.

D. C. 2665-1906.
I.T.D. 2380,7032-1905.
L.RS.

J.F.Jr.
LIB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 12, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 9, 1905, the Acting Commissioner of Indian Affairs transmitted a report from the Commission to the Five Civilized Tribes dated February 24, 1905, forwarding the record of the application for enrollment as a Cherokee freedman of Letha Ann Harvey.

February 24, 1905, the Commission decided adversely to the applicant.

The Acting Commissioner of Indian Affairs concurs in the decision of the Commission. A copy of his letter is inclosed.

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The Department does not find sufficient reason in this petition to warrant the reopening of said case. There is no evidence of service of a copy of this petition upon the attorneys for the nation, and it does not appear that J. W. King has been admitted to practice before the Department.

The petition is accordingly denied. Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-29.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 24, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application of Letha Ann Harvey for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 12, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-88

Cherokee Freedmen

R-29.

COPY.

Muskogee, Indian Territory, January 24, 1906.

Louis T. Brown,

Attorney for Letha Ann Harvey,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application of Letha Ann Harvey for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 12, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Tams Bixby.

Acting Commissioner.

Incl. S-87

Cherokee Freedmen

R-29. COPY.

Muskogee, Indian Territory, January 24, 1906.

Letha Ann Harvey,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized tribes, dated February 24, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 12, 1906.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Commissioner.

LS

Cherokee Freedmen

R-29.

COPY.

Muskogee, Indian Territory, January 24, 1906.

J. W. King,

Tahlequah, Indian Territory.

Dear Sir:

For your information, there is inclosed herewith a copy of Departmental letter of January 12, 1906, wherein the decision of the Commission to the Five Civilized Tribes, dated February 24, 1905, rejecting the application for the enrollment of Letha Ann Harvey as a Cherokee freedman, was affirmed.

It appears that in June 1905, you filed a petition to have this case reopened, and the petition was denied by the Department on January 12, 1906.

Respectfully,

SIGNED:

Tams Bixby.

Acting Commissioner.

Incl. S-95

FR 79

Show

When applicant was born —
Was she taken out

Status of parents should be developed

Applicant Came here when a minor. If parent did "the man or may not" have rights

2/12/15

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 10 1905

COMMISSIONER

Muskogee, Indian Territory, 8/10 1900

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES one copy of the testimony in

Letha Ann Harvey

Louis T. Brown

ATTORNEY FOR APPLICANT

Cher Fr R 30

Cher Fr R 30

REJECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 5,1901.

In the matter of the application of Jackson Pack for the enrollment of himself and six children as Cherokee freedmen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Jackson Pack.
Q How old are you, Mr. Pack? A I am 44 years old.
Q What is your post-office address? A Tahlequah.
Q What district do you live in? A Live in Tahlequah District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir
Q Did you ever apply to be enrolled as a freedman of any other tribe or nation? A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A No sir.
Q Is your name on the authenticated roll of 1880? A No sir.
Q Who do you desire to have enrolled besides yourself? A I have six children.
Q Are you married? A Yes sir, and my wife.
Q She is a non-citizen? A No, she is a claimant; she has never proved up.
Q Give me the names of your children? A Arthur.
Q How old is Arthur? A 4 years old.
Q Next one? A Lillie.
Q How old? A 12.
Q Next one? A Bettie.
Q How old is Bertie? A He is 10.
Q Well? A Jesse, a boy, eight; Jackson, he is 5. Mattie, she is five; they are twins.
Q That all? A Yes sir.
Q Where were you at the beginning of the war between the United States and the Confederacy A I was here in the Cherokee Nation.
Q Did you go out during the war? A I was taken out at seven years old; I was captured by the bushwhackers.
Q Where were you taken? A They taken me south.
Q Were you a slave? A I was a slave here, yes sir
Q What was your owner's name? A Henry Naves.
Q How lond did you live in the south before you returned to the Cherokee Nation? A I never returned to the Cherokee Nation until 1892.
Q Where were you married? A I was married in Arkansas.
Q What is your wife's name? A My wife's name was Ellen Alberty.
Q Was she born in Arkansas? A I suppose, ~~xx,xxxxxxhe~~ she was.
Q You came here with her in '92? A Yes sir.
Q You have been living here continuously since 1892? A Yes sir
Q How old was you when you returned here? A You can count it, I returned here in 1892 and now I am 44.
Q You were about 35 years old then? A Yes sir.
Q You lived in Arkansas until you were about 35 years of age, hefoe you returned ? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicants names not found thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicants names not found thereon.

Q Did you draw Strip money? A No sir.

Com'r Needles: Jackson Pack applies for the enrollment of himself, and six children; his name is not found upon the authenticated roll of 1880 nor the census roll of 1896; neither is his name found upon the Strip payment roll; he avers that he avers that he was living in the Cherokee Nation and was taken out to the State of Arkansas when he was 7 years of age, and resided there until he was 35 years of age; under the pro-

F-R30

APR 5

ACTING CHAIRMAN

visions of the law said Jackson Pack is not entitled to enrollment as a Cherokee Freedman, and his application for the enrollment of himself and his children will be refused.

------******------

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

M D Green

Subscribed and sworn to before me this April 5, 1901.

Commissioner.

B. J. C. 38

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 5 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 5- 1901

Post Office Tahlequah

District Tahlequah

1. Name Jackson Pack Age 44

Owner's name Henry Naves Citizenship Cherokee

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

2. Name of wife ... Age ...

Owners name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3.	Arthur Pack	Year	Page	No.	Dist.	14
4.	Lily "	Year	Page	No.	Dist.	12
5.	Bettie "	Year	Page	No.	Dist.	10
6.	Jesse "	Year	Page	No.	Dist.	8
7.	Jackson " Jr	Year	Page	No.	Dist.	5
8.	Mattie	Year	Page	No.	Dist.	3
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Jno (1) Stenographer Green M. D.

R 350

Cherokee Freedmen R-30.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Pack et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on April 5, 1901, Jackson Pack appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his minor children, Arthur, Lillie, Bertie, Jesse, Jackson Jr. and Mattie Pack, as Cherokee freedmen.

The evidence shows that Jackson Pack was the slave of a Cherokee citizen at the commencement of the rebellion but was removed from the Cherokee Nation during said rebellion and did not return thereto until after February 11, 1867. The children, applicants herein, were born subsequent to that time to the said Jackson Pack and his wife, Ellen, a non-citizen, and can acquire no rights not possessed by their said father.

None of the applicants herein are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jackson Pack, Arthur Pack, Lillie Pack, Bertie Pack, Jesse Pack, Jackson Pack, Jr. and Mattie Pack as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this APR 29 1904

Cherokee Freedmen
R 30

Muskogee, Indian Territory, May 9, 1904.

Jackson Pack,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting your application for the enrollment of yourself and your six minor children, Arthur, Lillie, Bertie, Jesse, Jackson, Jr., and Mattie Pack, as Cherokee freedmen. There has heretofore been furnished your attorney, W. F. Rasmus, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,

Chairman.

Encl. V-46

Register.

Cherokee Freedmen
R 30

Muskogee, Indian Territory, May 3, 1904.

W. F. Rasmus,

Attorney for Jackson Pack, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application of Jackson Pack for the enrollment of himself and his six minor children, Arthur, Lillie, Bertie, Jesse, Jackson, Jr., and Mattie pack, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Encl. V-47.

Register.

COPY.

Cherokee Freedmen
R 30

Muskogee, Indian Territory, May 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jackson Pack for the enrollment of himself and his six minor children, Arthur, Lillie, Bertie, Jesse, Jackson, Jr., and Mattie Pack, as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams B...
Chairman.

Encl. V-49

Through the
Commissioner of Indian Affairs.

1162

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
WM. O. BEALE
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 30

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application of Jackson Pack for the enrollment of himself and his six minor children, Arthur, Lillie, Bertie, Jesse, Jackson, Jr., and Mattie Pack, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-48

Chairman.

(COPY)

Refer in reply to the following: Land. 20432-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir: I have the honor to enclose herewith, a report from the Commission tot the Five Civilized Tribes dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Alfred Bell for himself and his six minor children, James, Earl, Lucian, Bessie, Eddie and Cora Bell; of William Bell for himself; of Nannie Derrick for herself and her brother Robert Bell.

March 8, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, Alfred Bell was at the beginning of the war of the rebellion, the slave of a Cherokee resident of the State of Texas and was not residing in the Cherokee Nation. All of the other applicants have no right to enrollment except such as may be possessed by the applicant, Alfred Bell.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner
Acting Commissioner.

E.C.R. 2 encl.

(COPY)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
30801-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen of Jackson Pack for himself and his minor children, Arthur, Lillie, Bertie, Jesse, Jackson Jr., and Mattie Pack.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that Jackson Pack was the slave of a Cherokee citizen at the beginning of the war of the rebellion; was taken out of the Cherokee Nation during the war and did not return to the Nation until 1892. The other applicants derive their sole title from the principal applicant, Jackson Pack. None of the applicants names are found on the 1880 authenticated roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.
W.

3 encl.

(COPY)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
30801-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen of Jackson Pack for himself and his minor children, Arthur, Lillie, Bertie, Jesse, Jackson Jr., and Mattie Pack.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that Jackson Pack was the slave of a Cherokee citizen at the beginning of the war of the rebellion; was taken out of the Cherokee Nation during the war and did not return to the Nation until 1892. The other applicants derive their sole title from the principal applicant, Jackson Pack. None of the applicants names are found on the 1880 authenticated roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tanner

Acting Commissioner.

M.M.M.
W.

3 encl.

(COPY)

B.C. 27098-1904.

J.P.

DEPARTMENT OF THE INTERIOR,

CMR

WASHINGTON.

ITD 5924-1904.

July 27, 1904.

L.R.S.

The Commission to

the Five Civilized Tribes.

Gentlemen:

July 21, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Jackson Pack, for the enrollment of himself and his six minor children, Arthur, Lillie, Bertie, Jesse, Jackson Jr., and Mattie Pack, as Cherokee freedmen, and recommended that your decision dated April 20, 1904, refusing to enroll the applicants, receive approval.

The Department finds no reason to disturb your decision and it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-30.

Muskogee, Indian Territory, August 16, 1904.

William F. Rasmus,

Attorney for Jackson Pack, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the application for the enrollment of Jackson Sr., Arthur, Lillie, Bertie, Jesse, Jackson Jr., and Mattie Pack, as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-30,

Muskogee, Indian Territory, August 16, 1904.

Jackson Pack,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting your application for the enrollment of yourself and your six minor children, Arthur, Lillie, Bertie, Jesse, Jackson Jr., and Mattie Pack, as Cherokee freedmen was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-30.

Muskogee, Indian Territory, August 16, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the application for the enrollment of Jackson Sr., Arthur, Lillie, Bertie, Jesse, Jackson Jr. and Mattie Pack as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 27, 1904.

Respectfully,

Commissioner in Charge.

OFR 35

Jackson Pack - 44 yrs
Arthur son 14
Lillie d 12
Bertie d 10
Jesse d 8
Jackson Jr. d 5
Mattie d 5

J.P. Slave of Henry Naves taken out by Ox when 7 yrs old. - Scotch -
Did not return til 1892
35 yrs old lived in Arkansas til then

Age of Arthur on Census 14 yrs
Testimony 44 yrs

[signature]

1/10/1

No. 4330

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901

Acting Chairman.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft Gibson I.T. Sept 16, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Jackson Rock et al for enrollment as Freedmen of the Cherokee Nation.

Atty for applicants.

No. FR 30

Cher Fr R 31

Cher. Fr R 31

REJECTED

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 8th 1901.

In the matter of the application of Mary Hunegan for the enrollment of herself and eight children as Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Mary Hunegan
Q How old are you? A. 42
Q What is your post office address? A. Muldrow.
Q What district do you live in? A Sequoyah.
Q ~~[illegible]~~
Q Do you desire to make application to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you ever made application to be enrolled as a Freedman of any other Nation? A. No sir.
Q Who do you desire to have enrolled besides yourself? A. My children
Q How many ? A Ten
Q Are they all under twenty one? A. No sir.
Q How many are under twentyone? A. Eight.
Q What are their names? A. Bias
Q How old? A. 20.
Q Next? A. William
Q How old? A. 18.
Q Next? A. Burk
Q How old? A. 15
Q Next? A. Dennis.
Q How old? A. 12
Q Next? A. Ivory.
Q How old? A. 9.
Q Next? A. Rufus.
Q How old? A. 7.
Q Next? A. Ida.
Q How old? A. 6.
Q Next? A. Lilly.
Q How old? A. 4.
Q Are you married? A. Yes sir.
Q What is your husbands name? A. Rufus.
Q Is he a Cherokee citizen? A. No sir.
Q Were you a slave during the war between the United States and the Confederacy? A. Yes sir.
Q Who was your owner? A. My last owner was named Jim Sparks.
Q Were you ever married more than once? A. No sir.
Q What was your name before you were married? A. I went by the name of my step father—Jackson.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A. I dont know.
Q Where were you at the close of the war? A. I was in Texas.
Q How long did you stay in Texas before you came here? A. I dont know.
Q About how long ? A. When I knowed that the war was over that was the last year we staid in Texas, and then we came to Fort Smith.
Q Arkansas? A. Yes sir.
Q How long did you stay there? A. Two years.
Q Then where did you go to? A. Dardanelle, Arkansas.
Q How long did you stay there? A. One year.
Q Where did you go then? A. To Crawford County.
Q How long since you moved here to the Cherokee Nation? A. 13 or 14 years.
Q What was the first time that you ever lived in the Cherokee Nation since you recollect? A. Yes sir.
Q Was Jim Sparks a Cherokee citizen? A. No sir he was a white man , he kept the post office there in Texas.
Q Who were living in Texas with Jim Sparks, a white man, at the close of the war? A. Yes sir.
Q Where were these children born? A. Some was borned in Crawford County, Arkansas and some here in the Nation.

Q Where was Bias born? A. Crawford County.
Q Which ones were born in Crawford County? A. William, Burk and Dennis.
Q Where was Ivory born? A. In the Nation here. All the others were born in the Cherokee Nation.
Q Have you been recognized as a Cherokee Freedman by the Cherokee Authorities? A. I dont know, that is what I came here to find out.
Q Is your name on any of the rolls of the Cherokee Nation? A. No sir Don't think so.

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation examed, and the name of the applicant nor that of any of there children identified thereon.

Q Have you ever drawn any money in the Cherokee Nation? A. No sir.
Q Where are you living now? A. In Muldrow.
Q Is your husband a white man or a colored man? A. A Colored Man.
Q Where were you married? A. In Crawford county, Arkansas.

By Com'r Needles,-

The applicant, Mary Hunegan applies for the enrollment of herself and eight minor children. Her name is not found on any of the rolls of the Cherokee Nation, and she fails to make satisfactory proof as to her citizenship or as to her residence. By reason of he same the application for the said Mary Hunegan and her children herein enumerated, will be rejected.

* * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 6th of April, 1901, at Ft. Gibson, I. T.

T B Needles

Commissioner.

NOTE:

Docket "A" page 85, # 503, Mary Hunegan filed an application for admission to Cherokee citizenship for herself and family before the Commission, September, 7th 1896; application denied, no appeal taken.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 6 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 8- 1901

Post Office [illegible] Muldrow

District Sequoyah

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) Name of wife Mary Hannigan Age 43

Owners name Jim Sparks Citizenship Choctaw

Year 1880 Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother do Citizenship .....

Names of Children:

1. Bass Hannigan Year ..... Page ..... No. ..... Dist. 20
2. William " Year ..... Page ..... No. ..... Dist. 18
3. Burk " Year ..... Page ..... No. ..... Dist. 16
4. Dennis " Year ..... Page ..... No. ..... Dist. 12
5. Ivory " Year ..... Page ..... No. ..... Dist. 9
6. Rufus " Year ..... Page ..... No. ..... Dist. 7
7. Ida " Year ..... Page ..... No. ..... Dist. 6
8. Lilly " Year ..... Page ..... No. ..... Dist. 4
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Will Stenographer Jno Wesse Chas:

W

R 31

Cherokee Freedmen R-31.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Hunegan et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on April 6, 1901, Mary Hunegan appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her minor children, Bias, William, Burk, Dennie, Ivory, Rufus, Ida and Lilly Hunegan, as Cherokee freedmen.

The evidence shows that Mary Hunegan was not the slave of a Cherokee citizen nor a free colored person, residing in the Cherokee Nation at the commencement of the rebellion; that her husband, the father of the other applicants herein, was a non-citizen, and the only rights her said children could acquire would be derived from their said mother.

None of the applicants herein are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Hunegan, Bias Hunegan, William Hunegan, Burk Hunegan, Dennie Hunegan, Ivory Hunegan, Rufus Hunegan, Ida Hunegan and Lilly Hunegan as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 30 1904

Cherokee Freedmen R-31.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Hunegan et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on April 6, 1901, Mary Hunegan appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her minor children, Bias, William, Burk, Dennie, Ivory, Rufus, Ida and Lilly Hunegan, as Cherokee freedmen.

The evidence shows that Mary Hunegan was not the slave of a Cherokee citizen nor a free colored person, residing in the Cherokee Nation at the commencement of the rebellion; that her husband, the father of the other applicants herein, was a non-citizen, and the only rights her said children could acquire would be derived from their said mother.

None of the applicants herein are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Hunegan, Bias Hunegan, William Hunegan, Burk Hunegan, Dennie Hunegan, Ivory Hunegan, Rufus Hunegan, Ida Hunegan and Lilly Hunegan as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Buchanan

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 23 1904

Cherokee Freedmen
R-31.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary, Bias, William, Burk, Dennie, Ivory, Rufus, Ida and Lilly Hunegan as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tams Bixby

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-66.

Cherokee Freedmen
R-31.

Muskogee, Indian Territory, May 3, 1904.

Mary Hunegan,

Muldrow, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself and your children, Bias, William, Burk, Dennie, Ivory, Rufus, Ida and Lilly Hunegan, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Register

Chairman.

Enc. D-64.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-31.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Mary, Bias, William, Burk, Dennie, Ivory, Rufus, Ida and Lilly Hunegan as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-65.

Chairman.

COPY

Refer in reply to the following:

Land

30807-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, May 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated May 3, 1904, transmitting the record of the application of Mary Hunegan for enrollment of herself and eight minor children: Bias, William, Burk, Dennie, Ivory, Rufus, Ida and Lilly, as Cherokee Freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that Mary Hunegan was the slave of a white citizen of the State of Texas during the War and came to the Cherokee Nation about 1887. That her husband, the father of the minors claimed was not a Cherokee citizen. That the minors were all born since February 11, 1867, and their only rights would be derived from their mother, the said Mary Hunegan.

None of the applicants are identified on the Cherokee authenticated roll of 1880.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MM
C

COPY.

J.P.

DEPARTMENT OF THE INTERIOR,

D.C. 18178-1904 WASHINGTON. May 27, 1904.

I.T.D. 4228-1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Mary, Bias, William, Burk, Dennie, Ivory, Rufus, Ida and Lilly Hunegan, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 23, 1904, the Acting Commissioner of Indian Affairs recommends that your decisio be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decisio is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 enclosure.

Cherokee Freedmen
R 31

Muskogee, Indian Territory, June 7, 1904.

Mary Hunegan,

Muldrow, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and your eight minor children, Miss, William, Burk, Dennie, Irory, Rufus, Ida and Lilly Hunegan, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

M89

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
WM. O. BEALL
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER ONLY TO THE FOLLOWING

Cherokee Freedmen
R 81

Muskogee, Indian Territory, June 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Mary, Miss, William, Burt, Bonnie, Ivory, Rufus, Ida and Lilly Hannegan, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

Cher Fr R 32

Cher Fr R 32

STRAIGHT as to applicant: REJECTED as to wife Annie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T. April, 6th 1901.

In the matter of the application of Boney Alberty for the enrollment of himself and wife as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Boney Alberty.
Q What is your age? A. 38.
Q What is your post office address? A. Fort Gibson.
Q What district do you live in? A. Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you ever made application to be enrolled as a Freedman of any other Nation? A. No sir.
Q Who do you desire to have enrolled besides yourself? A. My wife.
Q What is your wifes name? A. Annie.
Q What was her maiden name? A. Harnage.
Q How old is she? A. She is about 40, a little older than I am.
Q Were you born a slave? A. Yes sir.
Q What was the name of your owner? A. Martin Bell.
Q Where were you taken during the war between the United States and the Confederacy? A. I dont know.
Q Where were you at the end of the war? A. I dont know.
Q Where do you first recollect yourself to be? A. Ft. Gibson.
Q How long have you lived here? A. Always as far as I know.
Q Is your name on the roll of 1880? A. Yes sir.
Q What is your wifes fathers name Oliver Harnage.
Q Is he living? A. No sir.
Q What is her mothers name? .A I dont remember.
Q Was your wife Annie a slave? A. Yes sir.
Q What was her owners name? A. John Harnage.
Q Is he living? A. No sir.
Q Where was she born? A. In the Nation and went to Texas.
Q When did she come back ? A. I dont know how long she staid before she came back, she hasn't been back more than 10 or 11 years.

By W. W. Hastings, Cherokee Representative-

Q How old is your wife? Al 40.
Q Do you know that John Harnage went to Texas before the war? A. I don't know.
Q Dont you know that your wife was born in Texas? A. I dont know sir.
Q Didn't you swear a while ago that she was born in the Nation and then went to Texas? A. No sir, I said she went to Texas. I think she was born in the Nation.
Q Dont you know where she was born? A. No sir.
Q Did you ever know John Harnage? A. No sir.
Q You dont know whether he was a Cherokee citizen or not? A. No sir I know his people were.
Q You dont know if he lived in the Cherokee Nation or not? A. No sir

The 1880 authenticated roll of citizens of the Cherokee Nation examined and the name of Boney Alberty identified there on as follows: page 732, No. 28, Boney Alberty, Tahlequah district.

By the Commission-

Q Have you always lived in the Cherokee Nation all your life? A. Yes sir, I has been out some though since the war.
Q Where have you been ? A. In Kansas and Texas.
Q When did you live in Kansas? A. About 18 years ago, staid there about one year.
Q How long did you live in Texas? A. Two or three years.
Q Where was you living in 1896? A. I was living here but was in

A 7 R32

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 8 1901

Acting Chairman.

Texas that year,
Q What were you doing there? A. Working round.
Q Were you married then? A. No sir.
Q How long have you been married? A. Two or three years.
Q Is that the first time that you have ever been married? A. Yes sir.
Q Have you lived in the Cherokee Nation continuously ever since your marriage? A. Yes sir.
Q Where were you married? A. On Ranger Creek, in Tahlequah district.
Q In the Cherokee Nation? A. Yes sir.
Q Did you draw your Strip money in 1894? A. Yes sir.

By Com'r Needles,-

The name of Boney Alberty is found on the authenticated roll of 1880 but not on the census roll of 1896. He is duly identified according to the page and number of the roll as indicated in the testimony and makes satisfactory proof as to his residence, consequently he will be listed for enrollment as a Cherokee Freedman.
Applicant applies for the enrollment of his wife, Annie Harnage, but her name cannot be found on any of the rolls of the Cherokee Nation. Because of the facts developed in the testimony his application for theenrollment of his wife will be refused and she will be rejected.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 8th day of April, 1901, at Port Gibson, Indian Territory.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 6 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 6- 1901

Post Office Fort Gibson

District Tahlequah

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) 2. Name of wife Annie Alberty Age 40

Owners name John Hamage Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Boney Alberty Stenographer [illegible]

#R32

Cherokee Freedmen R-32.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Alberty as a Cherokee Freedman.

-:-

D E C I S I O N.

The record herein shows that on April 6, 1901, Boney Alberty appeared before this Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and wife, Annie Alberty, as Cherokee freedmen, but as the said Boney Alberty has been differently classified, he will not be embraced in this decision.

The evidence herein does not affirmatively show that the applicant, Annie Alberty, was the slave of a Cherokee citizen at the commencement of the Rebellion. The evidence does establish that the said Annie Alberty was born in the Cherokee Nation about the year 1861; that she was taken out of said Nation during the Rebellion, and did not return thereto until about the year 1890. The said applicant can not be identified on the Cherokee authenticated tribal roll of 1880, nor upon any other roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Annie Alberty as a Cherokee freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner

Commissioner

Muskogee, Indian Territory,

FEB 18 1905

M28

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 36

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Annie Alberty for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not her parents were Cherokee Freedmen and entitled to enrollment as such; also the date of her birth and the date of her return to the Cherokee Nation after the close of the war of the rebellion.

The said Annie Alberty has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

1109

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 22

Muskogee, Indian Territory, February 25, 1904.

Annie Alberty,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not your parents were Cherokee Freedmen and entitled to enrollment as such; also the date of your birth and the date of your return to the Cherokee Nation after the close of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman
R-32.

Muskogee, Indian Territory, February 13, 1905.

Annie Alberty,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your agent, I. P. Biedsoe, Choteau, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Encl. 1-3.
Register.

COPY.

Cherokee Freedman
R-38.

Muskogee, Indian Territory, February 13, 1903.

I. P. Bledsoe,

Agent for Annie Alberty,

Chetopa, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1903, rejecting the application for the enrollment of Annie Alberty as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register.

Encl. L-4.

COPY.

Cherokee Freedmen
2-32.

Muskogee, Indian Territory, February 13, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Annie Alberty as a Cherokee freedman, including the Commission's decision, dated February 13, 1906, rejecting said application.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Encl. 1-6.

Through the
Commissioner of Indian Affairs.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
R-52.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the application for the enrollment of Annie Alberty as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-5.

Chairman.

Refer in reply
to the following:

LAND
13475-1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 21, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 13, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Annie Alberty.

February 13, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was born in the Cherokee Nation about the year 1861; that she was taken out of the Nation during the war of the rebellion, and did not return thereto until about the year 1890. Her name does not appear upon any roll of said Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully

C.F. Larrabee
Acting Commissioner

M.M.M.
W.

D. C. 38290-1905
I.T.D. 1956-1905

W C F
Y. P.
FHE

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

August 5, 1905.

Commission to the Five Civilized Tribes ,

Muskogee, Indian Territory.

Gentlemen:

February 13, 1905, you transmitted the record in the matter of the application for the enrollment of Annie Alberty as a Cherokee Freedman, including your decision of the same date, rejecting said application.

Reporting February 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-32.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 18, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the application for the enrollment of Annie Alberty as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Acting Commissioner.

LS
Incl. S-47

Cherokee Freedmen

COPY.

R-32.

Muskogee, Indian Territory, August 18, 1905.

Annie Alberty,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 18, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

Respectfully,

(SIGNED)

Wm O Beall

Acting Commissioner.

LS

Cherokee Freedmen

R-32.

COPY.

Muskogee, Indian Territory, August 18, 1905.

I. P. Bledsoe,

Agent for Annie Alberty,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the application for the enrollment of Annie Alberty as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 5, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED

Wm. O. Beall

Acting Commissioner.

LS

Incl. S-46

DR 32

Show

Status of parents

Also birth and

return of Annie

1/13/[illegible]

Cher Fr R 33

Cher Fr R 33

STRAIGHT as to applicant and his niece, LouVanda Powers.
REJECTED as to his wife, Leah Brewer.

Department of the Interior,
Commission to the Five Civilized Tribes.
Fort Gibson, Indian Territory, April 6th, 1901.

In the matter of the application of Samuel Brewer for the enrollment of himself and wife and for his niece Louvanda Powers, as Cherokee Freedmen: He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Samuel Brewer.
Q What is your age? A 30.
Q What is your post office address? A Ft. Gibson.
Q What district do you live in? A Illinois.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation? A No, sir.
Q Who do you desire to have enrolled besides yourself? A My wife.
Q What is her name? A Leah.
Q What was her maiden name? A Brown.
Q How old is she? A Some where about 30.
Q Is she a Cherokee Freedmen? A Yes, sir.
Q What is your father's name? A Zeek Brewer.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Louisa.
Q Is she living? A Yes, sir.
Q What is your wife's father'sname? A Galab Brown.
Q Is he living? A No, sir.
Q What is her mother's name? A Martha.
Q Is she living? A No sir.
Q Where were you born? A Here.
Q In the Cherokee Nation? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Live here now? A Yes, sir.
Q Has your wife always lived in the Cherokee Nation? A Yes, sir.
Q Was she born and raised in the Cherokee Nation? A Yes, sir.

The 1880 Authenticated roll of the Cherokee Nation examined and the applicant identified thereon as follows- page 509, No. 257, Samuel Brewer, Illinois District.

Q Was your wife's father a slave? A Yes, sir.
Q Who did he belong to? A I don't know.

The 1896 Census roll of the Cherokee Nation examined and the name of applicant identified thereon as follows; page 944, #93, Samuel Brewer, Illinois district.

Q How long have you been married? A Don't know exactly how long.
Q Well about how long? A About three years.
Q Have you got any children? A Yes, sir; my sister's child.
Q What is itsname? A Louvanda Powers.
Q How old is this child? A Seven years.
Q What isher mother's name? A Francis Brewer was her name before she was married--she is dead.
Q How old would she be now if she were alive? A 24.
Q Was she your sister? A Yes, sir.

The 1880 Authenticated roll of the Cherokee Nation examined and the nameof Francis Brewer is found thereon at page 509, #260, in Illinois District.

Q Is the father of Louvanda Powers living? A No, sir.

The 1896 Census roll of the Cherokee Nation examined and the name of Louvanda Powers found thereon at page 958, #438, in Illinois District.

Q Where does this child live? A With her grand mother.
Q Was she born and raised in the Cherokee Nation? A Yes, sir.

By Com'r Needles,-

The name of Samuel Brewer is found on the 1880 authenticated roll as well as the census roll of the Cherokee Nation. He applies for the enrollment of himself and his wife, Leah, and the name of his wife Leah is not found on either the census roll of 1896 or the authenticated roll of 1880,. Neither can the name of her father or mother be found thereon. By reason of the testimony and facts as therein set forth, the applicant, Samuel Brewer, will be listed for enrollment as a Cherokee Freedman, but the application which he makes for the enrollment of his wife will be refused and she will be rejected.
Applicant also applies for the enrollment of Louvanda Powers, a child of his sister, Francis Powers, now deceased. The name of Francis Powers is found on the authenticated roll of 1880 and the name of her child, Louvanda Powers, is found on the census roll of 1896. She is duly identified and makes satisfactory proof as to residence, consequently the said Louvanda Powers will be listed for enrollment as a Cherokee Freedman.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise

Subscribed and sworn to before me this 8th day of April, 1901, at Fort Gibson, I. T.

(Signed) T. [illegible]. Needles

Commissioner.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from the original thereof, and that the same is a true and correct copy.

Geo. H. Lessley

Subscribed and sworn to before me this 12th day of January, 1906.

Chas von Weise

Notary Public.

R 33. SUPPLEMENTAL TESTIMONY.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April, 10th, 1901.

LEAH PREWER, being sworn and examined by Com'r Needles, testified:
Q What is your name? A Leah Brewer.
Q Are you married? A Yes sir.
Q What is your husband's name? A Sam Brewer.
Q How old are you? A 35.
Q What isyour post office address? A Fort Gibson.

Examination by Edgar Smith, Atty. for applicant-

Q Do you know who your owner was? A Judge Brown.
Q How old areyou? A 34 or 35.
Q Have you any witness now who is older than you self, who knows what happened during and just before the war? A Yes sir.
Q Who is it? A Roswell Mackey.
Q What is the first place that you remember having lived? A I lived with my people in Sequoyah district the first that I remember.
Q What is the name of your father? A Caleb Brown.
Q What is the name of your mother? A Martha.

ROSWELL MACKEY being called and sworn as a witness, testified as follows. (Examined by Com'r Needles)

Q What is your name? A Roswell Mackey.
Q How old are you? A 79.
Q What is your post office address? A Braggs.

Examined by Edgar Smith for Applicant-

Q Do you know Leah Brewer? A Yes sir.
Q How long have you known her? A Directly after peace was declared she was small. Remember seeing her mother.
Q Whose child was she? A Martha Brown's daughter.
Q Who was her father? A Don't know that.
Q Where were you during the war? A South.
Q When did you come back? A Dont know exactly, got no learning.
Q Are you a Freedman citizen? A Yes sir.
Q Are you on the 1880 roll? A Yes sir.
Q You got back in time, that is within six months after the treaty so that you are on the 1880 roll? A Yes sir.

(Objected to by Cherokee representative)

Q You cannot state exactly what time you got back here? A No sir.
Q You are on the 1880 roll? A Yes sir.
Q Do you remember when peace was declared? A Yes sir.
Q How long after that was it before you saw the mother of Leah Brown? A Three or four years.
Q Where were they then? A Down here on Lee's Creek.
Q What were they doing there? A Just staying there.
Q Was that where they were living then? A Yes sir.
Q You say it was four or five years after peace was declared that you saw these people? A Yes sir.
Q Do you know any one else who saw them then besides yourself? A No sir, I dont know any.
Q Where did they live ---in what settlement? A On Lee's creek and I lived at Webbers Falls.

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R 33.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 10th day of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles

Commissioner.

----------oOo----------

Geo. H. Lessley, being first duly sworn, states thatas stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from the original thereof, and that the same is a true and correct copy.

Geo. H. Lessley

Subscribed and sworn to before me this 12th day of January, 1906.

Myron White

Notary Public.

S U P P L E M E N T A L T E S T I M O N Y .

R. #33.

Department of the Interior?
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 9th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of LEAH BREWER AS A Cherokee Freedman:

ROSWELL MACKEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Roswell Mackey.
Q How old are you? A About 79.
Q What is your post office? A Braggs.
Q Do you know Leah Brewer? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q How old is she? A 34 years old, or 32.
Q About 32? A Yes, sir.
Q Where does she live? A She lives now up here; she used to live on Lee's Creek.
Q When did she live there, before the war? A Since the war; born since the war.
Q Did you know her father? A No, sir.
Q Did you know her mother? A Knowed her mother.
Q What was her name? A Rosa.
Q Rosa what? A Rosa Brown.
Q Was her mother a slave? A Yes, sir, she was a slave.
Q Did you know her before the war? A Yes, I knowed her before the war.
Q When did you know her before the war; where did she live? A Down on Lees Creek.
Q Before the war? A Yes, sir.
Q Well, where did you live before the war? A I livond on Illinois.
Q How far did you live from this woman? A I had a wife in the family.
Q What was her name before the war? A Rosa Brown.
Q Was her name Rosa Brown before the war? A Yes, sir.
Q What was her owner's name? A Judge Jim Brown.
Q And he lived on Lees Creek? A Yes, sir.
Q What kind of a house did she live in? A I can't tell you about the house.
Q Did he have a field? A Oh, yes, he had a field.
Q Any orchard? A I don't know.
Q You don't remember the kind of house? A No, sir.
Q Spring or well? A I don't know about that.
Q The fact is you never was there? A I have been there, but not much.
Q What was 30 or 40 miles from where you lived was not it?
A Yes, sir.
Q When did you see Rosa Brown after the war? A I saw her up here at Vian.
Q That was after the town had started? A Oh, year, three or four years ago.
Q That was the first time you had seen her since the war?
A Yes, sir.
Q Is that his (Applicant's husband) wife's mother; his wife's mother is named Rosa? A She is dead
Q His wife is named Leah is not it? A Yes.
Q You have testified that her mother's name was Rosa?

A Ross, Rosa; was her name when I knowed her.
Q Then you do not know whether you knew her mother or not?
A I don't know her mother.
Q You didn't know one by the name of Martha? A No, sir.

BY COMMISSIONER NEEDLES:

Q You knew one named Rosa? A Yes, sir.
Q You though Rosa was themother of Leah? A Yes, sir.
Q Was Rosa a slave? A Yes, sir.
Q Whom did she belong to? A Old man Brown.
Q Was Leah born a slave? A Born set free.
Q Whereddid Leah mother; where was she right after the war between the Confederacy and the United States? A Down here about Sequoyah somewhere.

ZEEK BREWER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Zeek Brewer.
Q What is your age, Mr. Brewer? A About 84 or 85.
Q What is your post office address? A Braggs Station.
Q You live in Illinois District? A Yes, sir.
Q Are you a Cherokee Freedman? A Yes, sir, born right in the Cherokee Nation.
Q Do you know Sam Brewer? A Yes, sir.
Q Do you know his wife? A Not to say I knowed her; only said to be her mother.
Q What was her mother's name? A Martha.
Q Martha what? A I don't know anything more than Martha.
Q She was the mother of Sam's wife? A Yes, sir.
Q What was Sam's wife's name? A Leah.
Q You knew Martha Brown? A Yes, sir.
Q How long did you know her? A Ever since she was a little child.
Q Where was she at the beginning of the war? A She must have been there at her owner's, Judge Jim Brown.
Q Where was she at the close of the war? A I know who she belonged to.
Q You don't know where she was at the close of the war? A I don't know.
Q Where has she been since that? Say you have not known her since the war? A No, sir, not since the war.
Q You don't know whether she was in the Cherokee Nation at the close of the war or not? This Martha I am talking about?
A The first time I heard of her she was in Illinois District and I ain't seen her for a good many years; I was up on North Fork.
Q You don't know whether she was here at the close of the war or not? A No, sir.
Q You don't know whether she was taken out during the war?
A No, sir.

BY W. W. HASTINGS:

Q How far did you live from her just when the war broke out? A I lived up on Canadian when the war broke out; I lived here at Frozen Rock this side of Muskogee, she lived in Illinois District.
Q How long before the war? A I don't know, I didn't keep any dates.

MARY BREWER being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Brewer.

Q What was your mother's name? A Martha Brown
Q What was your father's name? A Caleb Brown.
Q Are you the wife of Sam Brewer? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q How old are you? A I am about 34 years old.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q What was your mother's name? A Martha Brown.
Q Was Martha Brown a slave? A Yes, sir.
Q What was her owner's name? A Judge Brown.
Q Now, you don't know where your mother was in the time of the war between the Confederacy and the United States? A That was before I was born.
Q Where was she right after the war, you don't know that do you?
A After the war she was here.
Q When were you born, what year do you know that? A My mother died when I was small and my father married again and he raised me.
Q Is your father living? A No, sir.
Q How old did you say you were? A 34.
Q You do not know whether your mother was in here after the war or not? A Yes, sir, she was here.
Q How do you know? A I was here.
Q How old were you at the close of the war? A I can't tell you.

BY W. W. HASTINGS:

Q Where were you born? A Born here in Illinois District.
Q Do you know how old you were when your mother died? A I was quite small.
Q About how old? A Three or four years old.
Q Where did your mother die? A My mother died.
Q Where? A Died in Sequoyah.
Q On Lee's Creek? A It was in Sequoyah
Q At what place? A Little Skin bayou.
Q Who lives down there near that place now? A I have got a place down there, and Mr. Russell
Q Your father's name was Caleb Brown? A Yes, sir.
Q How long did he live after your mother died? A My father he lived, I was grown might near when he died.
Q Where did he live? A He livedhere
Q In Sequoyah District? A Yes, sir.
Q On what place? A He lived on our own place.
Q On Lee's Creek? A On Little Skin Bayou.
Q How far is that from Sequoyah Court house, which direction?
A It is a little more direction towards this way.
Q West? A Yes, sir.
Q Who were your neighbors down there? A Isom Johnson
Q Near what town? A Nearest town is Muldrow.
Q Now which direction did you live from Muldrow?
A You know how Little Skin Bayou runs
Q Didyou live North, south, East or West? A I have no education I can't tell North from South.
Q Did you live near any Cherokees do a there? A Yes, sir.
Q Name some of them? A I lived near Mr. Russell.
Q Have you been living in Sequoyah all the time? A Off and on.
Q Where have you been living? A In Illinois.
Q Where have you lived besides Illinois district and Sequouyah district? A I have been in Coweescoowee.
Q Ever lived in Arkansas? A No, sir, I have never lived in Arkansas.
Q Ever lived anywhere outside of the Cherokee nation?
A No, sir, I went outside and come back.
Q Well where? A I went to Fort Smith.
Q You didn't live down there? A No, sir.

BY COMMISSIONER NEEDLES:

Q How old were you when your mother died? A About three or four years old.
Q How old were you when your father died? A I was grown.
Q Was your mother a slave when she died? A Yes, sir.
Q She died before Freedom? A Since.
Q You don't know the year you were born? A No, sir.

BY W. W. HASTINGS:

Q Was that Judge Russell down there you knew? A Yes, sir; I have a paper of where, Judge Russell, the Cherokees appointed me guardian, Judge Bentle, appointed me and I drawed the money,
Q Did you know Joe Bowers down there in Sequoyah District?
A No, sir.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 10th day of April, 1901.

(Signed) M. D. Green,

Notary Public

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from the original thereof and that the same is a true and correct copy.

Geo H Lessley

Subscribed and sworn to before me this 12th day of January, 1906.

Notary Public.

V. F. R. 32.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 6 1901

ACTING CHAIRMAN

CHEROKEE ENROLLMENT.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 6- 1901

Post Office Fort Gibson

District Tahlequah.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(4.) Name of wife Leah Brewer Age 30

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Caleb Brown Citizenship Colored

Mother Martha " Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Samuel Brewer Stenographer Van Dorn Colbert

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S U P P L E M E N T A L T E S T I M O N Y .

R. #33.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 9th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of LEAH BREWER as a Cherokee Freedman:

ROSWELL MACKEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Roswell Mackey.
Q How old are you? A About 78.
Q What is your post office? A Braggs.
Q Do you know Leah Brewer? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q How old is she? A 34 years old, or 32.
Q About 32? A Yes, sir.
Q Where does she live? A She lives now up here; she used to live on Lee's Creek.
Q When did she live there, before the war? A Since the war; born since the war.
Q Did you know her father? A No, sir.
Q Did you know her mother? A Knowed her mother.

Q What was her name? A Rosa.
Q Rosa what? A Rosa Brown.
Q Was her mother a salve? A Yes, sir, she was a slave.
Q Did you know her before the war? A Yes, I knowed her before the war.
Q When did you know her before the war; where did she live? A Down on Lees Creek.
Q Before the war? A Yes, sir.
Q Well, where did you live before the war? A I lived on Illinois.
Q How far did you live from t his woman? A I had a wife in the family.
Q What was her name before the war? A Rosa Brown.
Q Was her name Rosa Brown before the war? A Yes, sir.
Q What was her owner's name? A Judge Jim Brown.
Q And he lived on Lees Creek? A Yes, sir.
Q What kind of house did she live in? A I can't tell you about the house.
Q Did he have a field? A Oh, yes, he had a field.
Q Any orchard? A I don't know.
Q You don't remember the kind of house? A No, sir.
Q Spring or well? A I don't know about that.
Q The fact is you never was there? A I have been there, but not much.
Q That was 30 or 40 miles from where you lived was not it?
A Yes, sir.
Q When did you see Rosa Brown after the war? A I say her up here at Vian.
Q That was after the Town had started? A Oh, year, three or four years ago.
Q That was the first time you had seen her since the war?
A Yes, sir.
Q Is that his (Applicant's husband) wife's mother; his wife's mother is named Rosa? A She is dead.
Q His wife is named Leah is not it? A Yes.
Q You have testified that her mother's name was Rosa?

A Rosa, Rosa; was her name when I knowed her.
Q Then you do not know whether you know her mother or not?
A I don't know her mother.
Q You didn't know one by the name of Martha? A No, sir.

BY COMMISSIONER NEEDLES:

Q You knew one named Rosa? A Yes, sir.
Q You though Rosa was the mother of Leah? A Yes, sir.
Q Was Rosa a slave? A Yes, sir.
Q Whom did she belong to? A Old man Brown
Q Was Leah born a slave? A Born set free.
Q Where did Leah mother; where was she right after the war between the Confederacy and the United States? A Down here about Sequoyah somewhere.

ZEEK BREWER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Zeek Brewer.
Q What is your age, Mr. Brewer? A About 64 or 65.
Q What is your post office address? A Braggs Station.
Q You live in Illinois District? A Yes, sir.
Q Are you a Cherokee Freedman? A Yes, sir, born right in the Cherokee Nation.
Q Do you know Sam Brewer? A Yes, sir.
Q Do you know his wife? A Not to say I knowed her; only said to be her mother.
Q What was her mother's name? A Martha.
Q Martha what? A I don't know anything more than Martha.
Q She was the mother of Sam's wife? A Yes, sir.
Q What was Sam's wife's name? A Leah.
Q You knew Martha Brown? A Yes, sir.
Q How long did you know her? A Ever since she was a little child.
Q Where was she at the beginning of the war? A She must have been there at her owner's, Judge Jim Brown.
Q Where was she at the close of the war? A I know who she belonged to.
Q You don's know where she was at the close of the war? A I don't know.
Q Where has she been since t hat? Q Say you have not known her s ine the war? A No, sir; not since the war.
Q You don't know whether she was in the Cherokee Nation at the close of the war or not?; Q This Martha I am talking about?
A The first time I heard of her she was in Illinois District and I ain't seen her for a good many years; I was up on North Fork.
Q You don?t know whether she was here at the close of the war or not? A No, sir.
Q You don't know whether she was taken out during the war?
A No, sir.

BY W. W. HASTINGS:

Q How far did you live from her just when the war broke out? A I lived up on Canadian when the war broke out; I lived here at Frozen Rock this side of Muskogee, she lived in Illinois District.
Q How long before the war? A I don't know, I didn't keep any dates.

MARY BREWER being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Brewer.

Q What was your mother's name? A Martha Brown.
Q What was your father's name? A Caleb Brown.
Q Are you the wife of Sam Brewer? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q How old are you? A I am about 34 years old.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q What was your mother's name? A Martha Brown.
Q Was Martha Brown a slave? A Yes, sir.
Q What was her owner's name? A Judge Brown.
Q Now, you don't know where your mother was in the time of the war between the Confederacy and the United States? A That was before I was born.
Q Where was she right after the war, you don't know that do you? A After the war she was here.
Q When were you born, what year do you know that? A My mother died when I was small and my father married again and he raised me.
Q Is your father living? A No, sir.
Q How old did you say you were? A 34.
Q You do not know whether your mother was in here after the war or not? A Yes, sir, she was here.
Q How do you know? A I was here.
Q How old were you at the closse of the war? A I can't tell you.

BY W. W. HASTINGS:

Q Where were you born? A Born here in Illinois District.
Q Doyou knew knew how old you were when your mother died? A I was quite small:
Q About how old? A Three or four years old.
Q Where did your mother die? A My mother died.
Q Where? A Died in Sequoyah.
Q On Lee's Creek? A It was in Sequoyah.
Q At what place? A Little Skin bayou.
Q Who lives down there near that place now? A I have got a place down there, and Mr. Russell.
Q Your father's name was Caleb Brown? A Yes, sir.
Q How long did he live after your mother died? A My father he lived, I was grown mighty near when he died.
Q Where did he live? A He lived here.
Q In Sequoyah District? A Yes, sir.
Q On what place? A He lived on our own place.
Q On Lee's Creek? A On Little Skin Bayou.
Q How far is that from Sequoyah Court house, which direction ? A It is a little more direction towards this way.
Q West? A Yes, sir.
Q Who were your nieghbors down there? A Isom Johnson.
Q Near what town? A Nearest town is Muldrow.
Q Now which direction did you live from Muldrow? ~~Sextonchittle~~
A You know how Little Skin Bayou runs.
Q Did you live North, South, East or West? A I have no education I can't tell North from South.
Q Did you live near any Cherokees down there? A Yes, sir.
Q Name some of them? A I lived near Mr. Russell.
Q Have you been living in Sequoyah all the time? A Off and on.
Q Where have you been living? A In Illinois.
Q Where have you lived besides Illinois district and Sequoyah district? A I have been in Coowescoowee.
Q Ever lived in Arkansas? A No, sir, I have never lived in Arkansas.
Q Ever lived anywhere outside of the Cherokee Nation? A No, sir, I went outside and come back.
Q Well, where? A I went to Fort Smith.
Q You didn't live down there? A No, sir.

RF 33

DEPARTMENT OF THE INTERIOR
TO THE FIVE CIVILIZED TRIBES

FILED
APR 10 1901

ING. CHAIRMAN

BY COMMISSIONER NEEDLES:

Q How old were you when your mother died? A About three or four years old.
Q How old were you when your father died? A I was grown.
Q Was your mother a slave when she died? A Yes, sir.
Q She died before Freedom? A Since.
Q You don't know the year you were born? A No, sir.

BY W. W. HASTINGS:

Q Was that Judge Russell down there you knew? A Yes, sir; I have a paper of where, Judge Russell, the Cherokees appointed me guardian, Judge Bentle, appointed me and I drawed the money.
Q Did you know Joe Bowers down there in Sequoyah District?
A No, sir.

---oooOOOooo---

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 10th day of April, 1901.

W M Green

Notary Public

Commissioner.

R 33. SUPPLEMENTAL TESTIMONY.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April, 10th, 1901.

LEAH BREWER, being sworn and examined by Com'r Needles, testified:
Q What is your name? A Leah Brewer.
Q Are you married? A Yes sir.
Q What is your husband's name? A Sam Brewer.
Q How old are you? A 35.
Q What isyour post office address? A Fort Gibson.

Examination by Edgar Smith, Atty. for applicant-

Q Do you know who your owner was? A Judge Brown.
Q How old areyou? A 34 or 35.
Q Have you any witness now who is older than you self, who knows what happened during and just before the war? A Yes sir.
Q Who is it? A Roswell Mackey.
Q What is the first place that you remember having lived? A I lived with my people in Sequoyah district the first that I remember.
Q What is the name of your father? A Caleb Brown.
Q What is the name of your mother? A Martha.

ROSWELL MACKEY being called and sworn as a witness, testified as follows. (Examined by Com'r Needles)

Q What is your name? A Roswell Mackey.
Q How old are you? A 79.
Q What is your post office address? A Braggs.

Examined by Edgar Smith for Applicant-

Q Do you know Leah Brewer? A Yes sir.
Q How long have you known her? A Directly after peace was declared she was small. Remember seeing her mother.
Q Whose child was she? A Martha Brown's daughter.
Q Who was her father? A Don't know that.
Q Where were you during the war? A South.
Q When did you come back? A Dont know exactly, got no learning.
Q Are you a Freedman citizen? A Yes sir.
Q Are you on the 1880 roll? A Yes sir.
Q You got back in time, that is within six months after the treaty so that you are on the 1880 roll? A Yes sir.

(Objected by by Cherokee representative)

Q You cannot state exactly what time you got back here? A No sir.
Q You are on the 1880 roll? A Yes sir.
Q Do you remember when peace was declared? A Yes sir.
Q How long after that was it before you saw the mother of Leah Brown? A Three or four years.
Q Where were they then? A Down here on Lee's Creek.
Q What were they doing there? A Just staying there.
Q Was that where they were living then? A Yes sir.
Q You say it was four or five years after peace was declared that you saw these people? A Yes sir.
Q Do you know any one else who saw them then besides yourself? A No sir, I dont know any.
Q Where did they live ---in what settlement? A On Lee's Creek and I lived at Webbers Falls.

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R 33.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 10th day of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles

Commissioner.

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Geo. H. Lessley, being first duly sworn, states thatas stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy from theoriginal thereof, and that the same is a true and correct copy.

Geo. H. Lessley

Subscribed and sworn to before me this 12th day of January, 1906.

Notary Public.

C F R - 35 -

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Brewer for the enrollment of himself, his wife Leah, and his niece Rayunda Powers, as Cherokee freedmen.

SUPPLEMENTAL STATEMENT.

Upon the examination of the testimony and the evidence in this case, it is found that the name of Leah Brown appears upon the Cherokee freedman pay roll of 1897, Page 113, Office No. 7824.

It further appears from the testimony in this case, that Leah Brown was the maiden name of Samuel Brewer's wife. From the evidence as hereinbefore shown, it is considered by the Commission that Leah Brewer, nee Brown, should be listed for enrollment as a Cherokee freedman, upon a doubtful card, and it is so ordered.

Dated at Muskogee, I. T.
this 26th day of February, 1902.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, November 14, 1904.

Supplemental proceedings had in the matter of the application for the enrollment of Leah Brewer as a Cherokee Freedman.

APPEARANCES.

The applicant appears in person and by attorneys,

WATKINS & WHITE.

The Cherokee Nation appears by its attorney,

W. W. HASTINGS.

It appears that on October 13, 1904 the applicant, her attorneys, and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission, at its offices in Muskogee, Indian Territory, on November 14, 1904 and then and there introduce further testimony in this case touching the points mentioned in said letter; and the case is taken up on this day by agreement of the parties concerned.

Leah Brewer, being first duly sworn, testified as follows:

BY MR. WHITE:

Q. What is your name? A. Leah Brewer.
Q. What is your husband's name? A. Samuel Brewer.
Q. Where do you live? A. Inola, about five miles right down on the line between the Creek and Cherokee Nations.
Q. What is your age? A. I am not well you. I am over 50.
Q. You are the applicant here for admission as a Cherokee Freedman? A. Yes sir.
Q. Where were you born? A. I was always taught all my life that I was born in the Cherokee Nation.
Q. Where have you always lived since you remember? A. I have lived in the Cherokee Nation. I have always taken it for my home, but I have gone [illegible] some times, but I have always taken that as my home.
Q. Have you ever lived anywhere else except in the Cherokee Nation? A. No [illegible] sir.
Q. [illegible]
Q. [illegible] the Creek is what I -
Q. [illegible] living or [illegible]

Q. How long has she been dead? A. She died when I was quite small.
Q. Do you remember her? A. I just remember her a little.
Q. You remember her well enough to know that she was your mother at that time? A. Yes sir, that is what they told me.
Q. Do you know to whom she belonged before she was free? A. She always told me that she belonged to Judge Jim Brown.
Q. Who was Judge Jim Brown? A. He was a Cherokee.
Q. Where did he live? A. On Lee's Creek.
Q. Do you know whether or not your mother ever left the Cherokee Nation at any time after the war or during the war? A. No sir, I never remembers nothing that way at all.
Q. You are the same Leah Brown that appeared before the Commission at Fort Gibson? A. Yes sir.

MR. HASTINGS:
Q. Of course you do not know anything about these facts to which you have testified, about your mother's ownership, only what you have been told? A. I know she belonged to Judge Brown, because she always told me so, and my father always told me. You see, I know.
Q. You know that in a way that you could absolutely swear to it? A. Certainly.
Q. And you do now swear to it? A. Yes sir, I was always told by my father that my mother belonged to Brown, and I don' know anything else.
Q. You were not born at that time? A. Before the war?
Q. Yes? A. I told you that I didn't have any recollection, but I told you I was over 30.
Q. You were not born before the war? A. I don't know nothing about the war. I might have been born. I don't know anything about it.
Q. You said you did not remember your mother? A. No sir, I said I just did remember her.
Q. Then you do not remember anything she told you? A. Yes sir I just barely do remember her.
Q. That is all, is it? A. Yes sir.
Q. You do not mean to say that you know of your own personal knowledge to whom your mother belonged before the war, when you were not born? A. No sir, I couldn't say that.
Q. You were not born before the war? A. I don't know nothing about before the war.
Q. I asked you if you were born before the war? A. I might have been, but can't remember it.
Q. Where were you married? A. I was married in the Cherokee Nation down here at Braggs.
Q. Who married you? A. A preacher.
Q. Who? A. The preacher is dead. His name is Moore.
Q. When were you married? A. That has been six or seven ---- close to the payment ---- as close as I can get at it.
Q. About when were you married? A. I reckon about a year after the payment----before the payment---close to the payment
Q. About six or seven years ago? A. Maybe, and maybe more.
Q. Do you know whether it is 6 or 7 or 20 years? A. Not 20--along in there.
Q. What is your oldest child's name by this marriage? A. Catharine.
Q. How old is she? A. About 4 years old
Q. Were you ever married before? A. Yes sir I was.
Q. What was your husband's name? A. His name was Mack.
Q. Mack what? A. Mack Hill, I guess.
Q. You do not mean to tell the Commission that you do not know his name? A. Of course I know it.
Q. Where were you married to him? A. In the Nation. I

wasn't married out of the Nation at all.
Q. Whereabouts in the Nation? A. Down at Braggs, at Gibson, out in the country like. I was married by a preacher.
Q. At whose house were you married to Mack Hill? A. No house at all.
Q. Just married in the woods? A. No sir, no house at all. just by a preacher at my own house.
Q. You were living there? A. I always had land in the Cherokee Nation.
Q. What was your father's name?? A. Caleb Brown.
Q. Which do you claim through---your father or mother? A. Mother.
Q. You do not claim through your father? A. No sir, I claim through my mother. My father wasn't a slave. He was a Cherokee by blood.
Q. How far were you living from Braggs when you were married to Mack Hill? A. I wasn't married to Mack Hill. There is my husband---Sam Brewer, he is my husband.
Q. Were you ever married to Mack Hill? A. Yes sir.
Q. Who married you to him? A. A preacher.
Q. Were you ever married to anybody else? A. No sir.
Q. Just those two? A. Yes sir.
Q. When were you married to Mack Hill? A. I don't know.
Q. About how long ago? A. A long time.
Q. About how long? A. It may have been about 12 or 13 or 14 years ago. It has been a good while.
Q. What is this witness' name you have got here with you? A. Zeke Brewer.
Q. He is the father of your present husband? A. Yes sir.
Q. When did you first know him? Did you know him before you married your husband? A. Yes sir, he knew me when I was a child.
Q. Did you know him? A. Yes sir.
Q. When did you know him? A. A long time ago. He knew me long before I knew myself.
Q. Where did you know him first? A At Braggs, and down on Lee's Creek.
Q. He knew you down there, did he? A. Yes sir.
Q. You said you had lived out of the Cherokee Nation some. Where have you been living? In Texas? A. No sir, I never have been at any time. I suffer with the asthma and just went out to change waters.
Q. Where have you been? A. Out in Arkansas.
Q. Where at in Arkansas? A. Right across the line at Fort Smith.
Q. How long did you live there? A. Didn't live there.
Q. How long did you stay there? A. About a day or night
Q. Were you ever out of the Nation any where else except there? A. Yes sir.
Q. Where? A. I went at Kansas with the asthma.
Q. What town? A. Coffeeville.
Q. Any other place? A. Yes sir.
Q. Where? A. I went to Pueblo, for the asthma. I has the lung trouble.
Q. When did you go to Pueblo? A. Since I have been married to this man.
Q. How long did you stay out there? A. I never stayed at all. I got better. I ain't well yet. I just go for my health.
Q. Who were you living with when you married Mack Hill? A. My father.
Q. You always lived with your father up until the time you married? A. Yes sir, he raised me and married again.
Q. What is his name? A. Caleb Brown. He is mighty near a full blood. He was no slave.

WITNESS EXCUSED.

Zeke Brewer, being first duly sworn, testified as follows:

By Mr. White:

Q. What is your name? A. Zeke Brewer.
Q. How old are you? A. I can not tell you my age.
Q. About how old? A. I am between 99 and 92--somewhere along in there.
Q. What is your post office address? A. Braggs Station.
Q. Are you a citizen of the Cherokee Nation? A. Yes sir, said to be a citizen.
Q. Do you know Leah Brewer? A. Yes sir.
Q. How longhave you known her? A. It has been several years. I can not tell you how many.
Q. How long, with reference to her size. Was she grown up when you first knew her? A. She must have been about three or four months old when I first knew her.
Q. Did you know her mother? A. Yes sir, I knew her. I used to nurse her.
Q. What was her mother's name? A. Martha Brown--belonged to old Judge Jim Brown.
Q. Who was Judge Jim Brown? A. He was a half breed Cherokee.
Q. Where did he live? A. Close to the mouth of Lee's Creek.
Q. To whom did Martha Brown belong at the time of the close of the war, when all the colored people were set free? A. I couldn't say, but she belonged to this Judge Brown when him and his old wife parted.
Q. Did she live with him after the war?---or close to him---do you know? A. I do not know whether she lived right close to him or not.
Q. Do you know whether or not she ever left the Cherokee Nation? A. I never did hear of her leaving.
Q. Is she living or dead? A. Dead.
Q. Do you know about the time she died? A. No sir I can not keep counts of anything like that. My education was in the corn field and slave time.

By Mr. Hastings:

Q. Where did you live before the war? A. First I lived in Boudinot Valley ~~[illegible]~~Braggs, and moved from there to the Springs below Braggs, and moved from there close to the court house up Salisaw, and moved from there up to Flint.
Q. Were you living at Flint when the war come up? A. No sir. That is what I am trying to get at. I lived right up here on Coody's Creek.
Q. Close to Muskogee? A. Yes sir, on Coody's Creek.
Q. How long had you been living there when the war come up? A. About five or six years.
Q. You had not seen Martha Brown, the alleged mother of this woman, after you moved from down there for five or six years before the war, had you? A. No sir.
Q. You do not know what had become of her in that time, of your own knowledge? A. No sir.
Q. You had only known her about five or six years before that, and you do not know when you saw any of these people after the war, do you?--- Leah Brewer and her mother? A. It must have been after the war. I do not think she was born before the war.
Q. About how many years ago now since you first saw her? As much as 10 or 15 years? A. That would be under how age.
Q. About how long ago since you first saw her? A. I can't figure.

Q. As much as 20 years ago when you first saw her after the war?
A. More than 20.
Q. About how long? A. It must be about 30 years ago, or longer.
Q. Is that your best judgment? A. About 30. I can't figure it up.
Q. Where did you see her first after the war? A. Down on Lee's Creek.
Q. Where were you living then? A. On Salisaw. I was ranging about on Christmas.
Q. And happened to see her? A. Yes sir, her mother and the child.
Q. That was about 30 years ago? A. 30 or more, I can't tell exactly.
Q. Do you know what year this is? A. No sir.
Q. You do not know one year from another, do you? A. Some times I can keep account.
Q. Do you know what year last year was? A. I can't remember.
Q. Do you know when they made the payment to the freedmen? A. No sir, I do not know what year it was.
Q. You do not know when Kerns-Clifton made the roll do you? A. No sir. No use asking me questions about it. I can't tell.
Q. You do not know when Wallace made a roll, do you? A. I know he made one, but I do not know what year he made it in.
Q. Where are you living now? A. Close to Braggs.
Q. You were living there in 1901 ---three years ago ---when the Commission was taking applications from these people? A. Yes sir, I was living there at Braggs.
Q. What kin is Sam Brewer, the husband of this woman, to you? A. He is my son.
Q. You did not go to testify for your son's wife in Fort Gibson in 1901, when they were applying there, did you?
(Mr. White ---We object to that) (Objection noted and witness will answer---Commission)
A. I was there.
Q. Why didn't you testify for the then?
(Mr. White ---We object to that.))) (Commission--- Objection noted, and witness will answer)
A. I did testify then.
Q. You are the same Zeke Brewer which testified in this case in Fort Gibson in April, 1901? A. That is the only Zeke Brewer there is.
Q. Did you testify in this case before? A. Yes sir.
Q. You knew more about the case then than you do now, didn't you?
A. I can't recollect the times and things like that.

By the Commission:
Q. Did you go out of the Cherokee Nation during the war? A. I went out with the soldiers.
Q. You were a soldier? A. No sir. I just went out with the soldiers. I was a waiter to the Captain.
Q. When did you come back? A. I come back with them to Gibson.
Q. When was that? A. I can't tell you what time that was.
Q. You did not get back here in 1866? A. I was back before '66.
Q. Then you do know? A. '66 was the time that people were freed and I was right here in Gibson then, but I can't tell the date or the time it was.
Q. You were over there when the treaty was made, were you?
A. I was living right across there on Cooley's Creek. When the treaty was granted I was right there in Gibson with the soldiers.

Q. When was it that you lived on Coody's Creek---after the war?
A. Before the war.
Q. Where were you when the treaty was signed? A. I can' say. I do not understand.
Q. You know when you first heard about the treaty?--where
A. We were living there.
Q. Where? A. On Coody's Creek, this side of Frozen Rock. I do not know what we were doing there.
Q. You were not a slave when the treaty was signed? A. I was a slave until the treaty.
Q. Do not you know the treaty was made long after you were freed?
A. I was living right in Fort Gibson.
Q. Do you know when it was you first saw the mother of this applicant after the war? A. I can't tell you what year it was in.
Q. When, with reference to the making of this treaty? How long after that? A. I can't tell you exactly the time.
Q. You couldn't state to me when it was you first saw the mother of this applicant after the war, in the Cherokee Nation?
A. I told you I saw her on Lee's Creek first, and I can't tell the time it was.

By Mr. White:
Q. What time was it---about ---how long after the war? 10 or 20 years? A. Yes sir. I cant say how long it was after the war. It was at Christmas.
Q. You can tell whether it is one or ten years after the war, can't you? A. No sir, I can't tell you what time it was. I want to tell you the truth.
Q. Had you seen her mother at that same place before the war?
A. She was right there when I saw her the last time. Not at the same place, but at another house.

WITNESS EXCUSED.

Calvin Goins, being first duly sworn, testified as follows:

By Mr. Watkins:
Q. What is your name? A. Calvin Goins.
Q. What is your age? A. 70 years old.
Q. What is your post office? A. Claremore.
Q. Cherokee Nation? A. Yes sir.
Q. How long have you lived in the Cherokee Nation? A. All the time. Raised here.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. Were you acquainted with Martha Brown, the slave of Judge James Brown? A. I am acquainted with Martha Brown.
Q. Were you acquainted with her during her lifetime? A. Yes sir, until she died.
Q. Was she a Cherokee Freedman? A. Yes sir she was a Cherokee Freedman.
Q. Do you know where she was born ---in the Cherokee Nation or not? A. Yes sir, she was born in the Cherokee Nation.
Q. Do you know that she lived in the Cherokee Nation at the time the Civil war broke out? A. Yes sir.
Q. Was she a slave at that time? A. She belonged to Brown.
Q. In 1866, the year after the war, where was she then? A. In the Cherokee Nation.
Q. In 1866? A. Yes sir.
Q. Leah Brewer, do you know her? A. Yes sir.
Q. Is she the daughter of Martha Brown? A. Yes sir.
Q. Do you know where Leah Brewer was born? A. On Lee's Creek.
Q. In the Cherokee Nation? A. Yes sir.

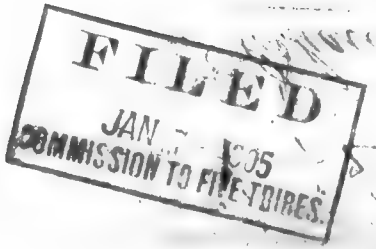
Q. Her name is now Brewer, is it not? A. Lena Brewer.
Q. That is her name now? A. Yes sir.
Q. Her maiden name was Brown? A. Yes sir.
Q. How long have you known this Leah Brown? A. Ever since she was a little baby.
Q. About how many years has that been? A. About 35 years.
Q. You know that of your own knowledge that she is a Cherokee Freedman? A. Yes sir.
Q. Do you know she has never lived out of the Cherokee Nation since she was born? A. Not to my knowing.
Q. Do you knew where she lives now? A. Over about 6 or 7 miles from me.
Q. In the Cherokee Nation? A. Yes sir.

By Mr. Hastings:
Q. Your name is Calvin Goins? A. Yes sir.
Q. Are you an applicant for citizenship here? A. Yes sir.
Q. And you have been rejected by the Commission? A. Yes sir.
Q. You are the man that testified about the steam boat floating up Lee's Creek before the war? A. I said they had a mill on it.
Q. And you testified that you were standing there when that steam boat floated up Lee's Creek, and you saw those horses, race horses, there? A. I never saw the race horses.
Q. And you know that no steam boat never floated up Lee's Creek, don't you? A. I don't know. I was working at the mill.
Q. What did you swear that for, in your own case? A. About the mill?
Q. No, about the steam boat coming up Lee's Creek with the race horses on it? A. I said I was at the mill and helped dig a well there.
Q. And you are the man that testified that Judge Brown lived in the fine brick house over in Flint Hills? A. No sir.
Q. And you swear that you didn't testify to that in your own case now? A. I didn't say nothing about no brick house.
Q. You didn't swear to that? A. No sir, not about a brick house. I said I worked there at the mill, and I helped dig a well.
Q. Do not you know that you never swore anything about a mill in your own case? A. Yes sir I did.
Q. Do you swear that you did? A. I mentioned the mill.
Q. What year is this? A. I can not exactly recollect.
Q. Do you know one year from another? A. I can't hardly recollect about the years.
Q. You are the man that swore that Judge Brown had a fine brick or stone barn down there in the Flint Hills before the war? A. No sir I never.
Q. Do you swear now that you did not swear that in your own case? A. No sir, I didn't say it.
Q. You are the man that swore that he had the windmill upon his barn before the war? A. No sir, I didn't.
Q. Do you swear now that you did not swear that then? A. No sir, I didn't say it.
Q. You are the man that swore about the fine brick hotel away up there in the Flint Hills? A. No sir, I didn't.
Q. You deny that? A. I didn't swear about a fine hotel or anything like that.
Q. What was Judge Brown's wife's name? A. I do not know anything about his wife.
Q. You did not know her? A. No sir.
Q. What is his oldest child's name? A. I have forgot.
Q. What was his second child's name? A. I have forgot all that it has been so long.

Q. What was the other child's name? A. I forgot that.
Q. You do not know a single member of his family, do you? A. Yes sir, I remember I stayed there and worked.
Q. What was a single member of his family named? A. I worked there and stayed, but have forgot his family and children. My recollection is done gone.
Q. Was Judge Brown a full blood---did he talk Cherokee language? A. Yes sir.
Q. Did he talk any English at all? A. Yes sir, some English, and Cherokee too ---like the people does now.
Q. What kind of a looking fellow was Judge Brown.---Small or large? A. Tolerably good sized fellow.
Q. About what age when the war commenced? A. I can't tell you.
Q. You have done forgot that? A. I don't know how old he was.
Q. Was he grown? A. Yes sir.
Q. About how old was he? A. I don't know for exactly.
Q. You say you lived in Runabout District? A. On Lee's Creek.
Q. In Runabout District? A. Somewhere along there.
Q. Don't you know there never was such a District? A. Some where up there, I don't know what you call it.
Q. Did you ever see Lee's Creek in your life? A. Yes sir.
Q. Where did you see it? A. I can go to it.
Q. Why did you testify then that it would float race horses up Lee's Creek? A. I never did testify to that.
Q. What side of Lee's Creek did Judge Brown live on? A. I can't tell you.
Q. North, east, west, or south? A. I don't know and can't tell you what side he lived on.
Q. You say he lived about ten miles from Lee's Creek? A. No sir
Q. How far did he live from it? A. I can't tell you.
Q. Done forgot? A. Yes sir.
Q. You don't know whether he lived on the prairie or in the timber? A. He lived on the edge of the prairie.
Q. Don't you know there is not an acre of prairie in all that country? A. Yes sir there is.
Q. How big a prairie? A. He lived there.
Q. Don't you know that there is not a acre of prairie within 10 miles of where Judge Brown lived? A. Yes sir.
Q. What did you do up there? A. Worked in the field.
Q. Who for? A. I worked for Brown.
Q. And yet you don't know his wife's name? A. I done forgot his wife's name.
Q. Did he have a wife? A. Yes sir.
Q. And you don't know any of his children's names? A. I have forgot.
Q. You don't know whether he had any children or not? A. Yes sir he did.
Q. Don't you remember their names? A. No sir.
Q. You say you saw this girl, Leah Brewer, about ten years after the war? A. I saw her before and after the war.
Q. You saw Leah Brewer about 10 years before the war didn't you? A. I saw her after the war.
Q. Did you see her, the applicant, 10 years before the war? A. Somewhere along about 10.
Q. That is your best judgment? A. Yes sir.
Q. Don't you know she was not born before the war? A. She was born in the war.
Q. Then if she swore that she was not she is mistaken is she? A. She was born in time of the war anyhow.
Q. You have been swearing that it was 10 years before the war when you saw her? A. Yes sir, I saw her before the war.
Q. How long before the war did you see her? A. I can not exactly tell you how long.

Q. As much as 10 years? A. I didn't keep it in my mind much.
Q. How long after the war was it before you saw her? A. Directly after the war.
Q. About 10 years? A. I saw her when her mammy died.
Q. How long after the war? A. She lived about 10 or 12 years after the war.
Q. How long after the war before you saw her and her mother? A. About 5 years.
Q. That is the first time you saw them after the war? A. No sir.
Q. About how long after the war was it the first time you saw them? A. About 4 or 5 years.
Q. What year did they make this Kerns-Clifton payment over here? A. I can't tell you that. I know when it was.
Q. What year did they make the Wallace payment? A. I don't know. I have done forgot.
Q. You do not know a year in the world, do you? A. I have done forgot.
Q. You do not know this year? A. I have done forgot all about it.

By Mr. Watkins:
Q. You testified that you knew this Leah before the war, but you couldn't give how old she was. How big was she? A. She wasn't big enough to go to school when I knew her.
Q. You saw her after the war was over? A. Yes sir.
Q. Do you remember about the close of the war and what happened? A. I remember the war closed.
Q. And you knew this girl's mother after the war? A. Yes sir
Q. And the girl had grown some---how large was she after the war? A. She was big enough to go to school.
Q. You saw her frequently after the war? A. I saw her five or six years after the war.
Q. Do you mean to say that you didn't see her the five years just after the war? A. I saw her before the war and after the war and I saw her five years after the war.
Q. Did you see her during these five years, or not till after the five years had passed? A. It was five years before I saw her.
Q. Do you remember when her mother died? A. Yes sir.
Q. And you know positively that her mother was a Cherokee Freedman? A. Yes sir.
Q. You were asked if you knew the wife of Judge Brown. I suppose that you were never invited to their table or anything so that you could get acquainted with her? A. I knew her name but I forgot.
Q. Did Judge Brown call her by her first name or by Mrs. Brown? A. He called her "Sis" all the time. He didn't call her by his name.
Q. So you never had occasion to hear his wife's name? A. No sir.
Q. Do you know anybody in this room that would be the age of Judge Brown at the time you knew him? A. There is a gentleman that favors Him.
Q. Can't you tell us how many children he had? A. He had three children.
Q. You know that? A. Yes sir.
Q. Were any of his children fully grown? A No sir.
Q. And he had three children? A. Yes sir. He had a boy there. He and him were nearly one size, and we were both boys.
Q. That was before the war? A. Yes sir.
Q. Did this Brown die before or after the war? A. After the war.


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Q. He owned this Leah's mother? A. Yes sir.
Q. And Leah stayed with her mother? A. Yes sir.
Q. And you know by general reputation that it was her daughter? A. Yes sir, that was her daughter.

By Mr. Hastings:
Q. You and one of Judge Brown's boys were about the same age and same size? A. I don't know whether we were the same age.
Q. How old are you? A. About 70 years old.
Q. You are about 10 years older than this man that you pointed out as being the same age of Judge Brown? A. I said he favored Judge Brown.
Q. And about the same age? A. No sir.
Q. Then you are about the same size and age of Judge Brown's son and that would be 10 years older than Judge Brown himself? A. No sir, you misunderstood me. I said he favored him. Take it as I said.
Q. About how old was Judge Brown when the war come up? A. I don't know.
Q. What kind of a house did Judge Brown live in? A. A frame house.
Q. How many rooms? A. 2 or 3. I disremember.
Q. You do not know how far it was from Lee's Creek? A. No sir.
Q. It might have been 10 or 12 miles? A. I couldn't tell you that. I am trying to tell you the truth.
Q. You do not know what side of the creek he lived on? A. No sir.
Q. You do not know any of Judge Brown's children's names? A. I told you I forgot.

WITNESS EXCUSED.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th. day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

H. M. Vance

Subscribed and sworn to before me this the 27 day of January, 1905.

Charles F. Sawyer
Notary Public.

(C O P Y)

To be filed in case of Leah Brewer, S.T.R. 33.

Cherokee Freedman R- 179.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY. NOVEMBER 15, 1904.

Supplemental proceedings had in the matter of the application for the enrollment of Calvin Goins et al., as Cherokee Freedmen

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It appears that on September 27, 1904, the applicant, his attorney, and the attorneys for the Cherokee Nation were duly notified by letter that this case would be taken up for final consideration before the Commission at its offices in Muskogee, Indian Territory on November 15, 1904, and that an opportunity would be given each of them to appear before the Commission on that date and introduce such testimony as they might desire in this case.

: APPEARANCES :

Applicant appeared in person and by his attorney,

A. S. McRRA.

Cherokee Nation appeared by its attorney,

W. W. Hastings.

Calvin Goins, being first duly sworn, testified as follows:

BY MR. McRRA:

Q What is your name. A. Calvin Goins.
Q. What is your postoffice address? A. Clarmore.
Q Are you the same Calvin Goins who made application to the Commissi on to the Five Civilized Tribes for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, on September 27, 1901. A. Yes sir, the same Calvin.
Q State to the Commission whether or not you were owned in the Cherokee Nation by a Cherokee Indian or whether you were a free person in the Cherokee Nation before the war. A. I was free Calvin Goins before the war, in the Cherokee Nation.
Q What do you mean by " free Calvin". A. That was my name.

Q You mean you were a free person. A. Yes sir.
Q How long had you been in the Cherokee Nation before the commencement of the Rebellion. A. I was not here a long while before the war.
Q About how long? A. A year or two before the war.
Q Did you go out of the Cherokee Nation during the war. A. No sir, I did not.
Q At what point in the Cherokee Nation were you living before and during the war. A. I lived on Lee's Creek.
Q Can you state the names of any neighbors or people who lived in your community on Lee's Creek at that time. A. This old gentleman right out here was living up above me on Lee's Creek
Q Give his name? A. Mr. Brewer.
Q Can you name any Cherokee Indians who were living there at that time. A. It has been so long I can't call no names of the Indians at all hardly. They were all old people.
Q Were there any Indians living in that country there? A. Yes sir, plenty of them.
Q But you cannot recall the names of any of them now? A. No sir, I can not recollect them now.
Q Where were you born. A. I couldn't tell you where I was born at to save my life.
Q Can you tell how come you to go to the Cherokee Nation before the war. A. I reckon my mother fetched me here.
Q Where were you living when you can first recollect yourself. A. I was living on Lee's Creek when I can first recollect.
Q How large a stream is Lee's Creek. A. It is a tolerably fair creek.
Q In your original applicat on before the Commission this question was asked you----"Do you remember when that steamboat went up there with these race-horses to Mr. Brown's at Lee's Creek before the war?" and you said---"Yes sir, I remember it." Was that statement correct? A. Yes sir.

BY MR. HASTINGS:

Q Now what river backs up to where steamboats can run up Lee's Creek. A. Arkansas river, down there above Fort Smith.
Q How far below Judge Brown's does Lee's Creek empty into the Arkansas. A. I can't tell you.
Q Don't you know that you never saw a steamboat up Lee's Creek as far as Judge Brown's. A. I saw it when it was up.
Q Did you see it when it was up. A. Yes sir.
Q Do you swear that now-- that you saw a steamboat up Lee's Creek as far as Judge Brown's. A. No sir, I never saw a boat up there as far as Judge Brown's.
Q Didn't you swear that when you were before the Commission before, with race horses on it. A. No sir, I didn't swear that.
Q You deny it then. A. No sir, I don't deny it----give me time.
Q Is that true or not. A. With race horses on it?
Q Yes, on this steamboat-- with race horses on it. A. When it was up?
Q Did you see a steamboat with horses up Lee's Creek when you were before the Commission before. A. No sir, they never called any boat to me at that time, I don't think.
Q How far did Judge Brown live from Lee's Creek. A. He lived I reckon about a mile or two--I disremember.

Q Didn't you swear in the Leah Brewer case, a day or two ago, that you didn't know. A. I says now I don't know.
Q Didn't you swear then that you didn't know whether it was one or ten miles. A. I said I didn't know.
Q Do you know now whether he lived in one or ten miles of Lee's Creek. A. I said I didn't know.
Q Do you know on which side of Lee's Creek he lived. A. No sir, because I didn't pay any attention.
Q You do not know whether it was the east or west side. A. No sir.
Q North side or south side. A. No sir, I can't tell because I can't tell which is east or north here now.
Q Didn't you swear, when you were before the Commission before, that Judge Brown lived in either a brick or stone house. A. I said he lived in a weatherboarded house.
Q I will ask you if in answer to this question--"Was it a brick house or stone" you answered--"I do not know whether it was brick or stone." A. I told you it was a weatherbearded house.
Q That was two or three days ago? A. That was when you asked me if it was a log or brick house.
Q I will ask you if Judge Brown lived in the prairie or timber.
Q I told you he lived on a prairie.
Q Don't you know there is no prairie in Flint District. A. They calls it a prairie.
Q Couldn't you see. A. There was woods around him, but he was living in a little prairie.
Q How much prairie. A. I don't know how many acres.
Q About how many. A. I couldn't tell you because I never measured no acres in my life.
Q Does Lee's Creek have any branches up there about Judge Brown's A. Branches run from the hills
Q I thought you said he lived on the prairie. A. He can live on a little knoll.
Q Don't you know where you were born. A. No sir.
Q Where did you get that name-Calvin Goins. A. It came from my mammy, I reckon.
Q Where did she get it. A. I don't know.
Q Who did she belong to. A. I don't know. My folks all died. People told me that she died when I was five years old.
Q Where were you when you were five years old. A. I was living down there with a colored man. [illegible]
Q By what name. A. Judge Abram.
Q Where did he live. A. On Lee's Creek about Fort Smith. I stayed with him a long time.
Q In Arkansas. A. No sir.
Q Don't you know there was never such a man in the Cherokee Nation. A. Yes sir, I did.
Q What was his wife's name. A. His wife was named Martha.
Q Did he have any children. A. Yes sir, I think he had children
Q What were their names. A. I can't think of the names.
Q How long did you live with him. A. I lived there a right smart while and then went away.
Q Were you living with him when you first remember. A Yes sir
Q Living with a man named Judge Abrams. A. Just Abram.
Q I thought you said he was a judge. A. No sir, I didn't.
Q Near what town did he live. A. He were down there close to Fort Smith.
Q How far from there. A. I could not tell you how many mile.

Q What direction from Fort Smith. A. About 5 or 6 mile
Q That is not direction. A. I don't know what direction.
Q Did he live east of Fort Smith. A. I don't know.
Q What direction from Fort Smith did Abram live. A. I looked to me like it was this way.
Q East. A. Yes sir, about 5 mile east.
Q And you lived with him about ten years. A. A good while. I do not know how many years.
Q About ten years. A. I don't know.
Q Is that your best judgment. A. I am giving you my best judgment
Q Ten years. A. I don't know and I can't tell you.
Q When did you join the army. A. I never joined the army in my life.
Q Where were you during the war. A. Running around amongst the boys and Indians.
Q What boys and Indians. Name one. A. I have forgot the names
Q You can not name a single one can you. A. I done forgot the names.
Q Do you mean to tell this Commission that for four years while the war was going on, you spent the time with people whose names you can not recall now,-- a single one. A. Yes sir, that has been a long time. My recollection gets short.
Q Where were you living when the war closed. A. Down in the Cherokee Nation.
Q Where at. A. On Lee's Creek.
Q With whom. A. This colored man I was telling you about. I stayed there with him a good while.
Q What was his name. A. Didn't I tell you just now.
Q Tell me the name of the man you were living with. A. Abram, I told you.
Q You didn't say he was a colored man before the war--you said he was a Cherokee. A. I said a colored man.
Q Whose place did Abram live on. A. On his own place, he said.
Q You lived there about ten years with him. A. He let me stay with him.
Q Have you seen him since the war. A. He died.
Q Have you seen any member of his family since the war. A. I seed his wife since the war.
Q Where does she live. A. She is dead now.
Q Where did she die. A. Up there.
Q Where did he die. A. I don't know, but he died.
Q Where did she die. A. Up there on the creek, because I went to her burrying.
Q When. A. I can't tell you the number of years.
Q How long after the war was it. A. I guess one or two years.
Q On what side of Lee's Creek were you living. A I didn't pay any attention to which side.
Q How far from Lee's Creek were you living. A. I do not know sir, exactly.
Q One or ten miles. A. Not ten miles
Q About how far. A. I heard old people say it was not that far at that time.
Q How far did you live from Lee's Creek. A. About 2 miles.
Q What direction. A. I can't give you the direction of it.
Q You do not know whether it was east, north or south. A. No sir
Q Did that man Abram have a farm. A. He said that was his'n.
Q How much farm did he have. A. A right smart little place

Q You lived there ten years--about how much did he have.
A. Ten or twelve acres.
Q Did Abram have any children. A. They were there.
Q What became of them. A. I don't know. They left there and run about and I married.
Q When did you marry. A. About after the war.
Q How long. A. About a year after the war.
Q Who did you marry. A. Elvira.
Elvira what? A. Elvira Brown. She went by that name before I had her.
Q Who did she belong to before the war. A. I don't know.
Q Where did you first see her. A. The first time I saw her was at a party.
Q Where was that. A. Out there amongst the neighbors on the Brown place.
Q At whose place was this party. A. I don't know whose place it was. They had a dance there.
Q You do not know whose house it was. A. No sir.
Q You do not know what kind of a house it was in. A. No sir, I was making music my own self, and I seed the girl and accompanied her home.
Q Where did you go to-- how far did you go. A. About two or three miles with her.
Q Did you live in that neighborhood. A. Yes sir, at that time.
Q How long had you been living there? A. About 4 or 5 years.
Q Do you mean to say that you didn't know her before and you lived in the same neighborhood. A. Yes sir, I had not been in her company before.
Q Who married you? A. A preacher
Q What was his name---have you done forget it. A. His name was Williams.
Q Where at. A. In that neighborhood.
Q At whose house? A. Down there where I lived.
Q At whose house. A. At the same house I was in.
Q Whose house was that. A. Abram's house where I lived.
Q Abram didn't marry you. A. No sir, a preacher married us.
Q Was Abram present. A. Yes sir.
Q Witnessed your marriage. A. Yes sir.
Q You have done told the Commission that you were married after the war, and said Abram was dead, too. A. You asked me was I married and I told you yes.
Q Didn't you just say that Abram was dead and that he died before the war. A. No sir, I said he died during the war.
Q You said he was present and witnessed your marriage after the war. A. No sir.
Q Didn't you say that a minute ago. A. No sir, I said I married at his house and that he was there.
Q Didn't you say awhile ago that he was dead. A. He is dead.
Q Didn't you say he died during the war. A. He did.
Q When did you marry. A. I married time of the war. I married that woman and when I married her----
Q When were you married. A. I was married during the war.
Q Then you were not married after the war. A. Yes sir, I was. I stayed with that woman till she died.
Q Where did you marry her. A. On Lee's Creek.
Q Who were you living with. A. That Abram.
Q How long had you been living at Abram's house when you married this woman. A. He partly raised me.
Q Then you had been living at his house a good while--about 10 years. A. I don't know what ten or 11 years is, but I had been there all my time---that was my home.

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Q And he lived about five miles east of Fort Smith, Arkansas.
A. I reckon he lived that far.
Q That is your best judgment. A. Yes sir.
Q You lived at Abram's house ever since you could remember up until the time you married. A. Yes sir, I stayed there
Q That is what you intend to tell. A. That is what I tried to get at.
Q Was Abram a colored man. A. Yes sir.
Q Was his wife a colored woman. A Yes sir.
Q Did he have any children. A. He had some children there, yes sir, a few.
Q How many and who were they. A. I do not know how many.
Q You were a grown man and married---what were his children's names. A. I couldn't tell you all of them.
Q Do you know any one of them. A. I can't tell you all of them, but he had children.
Q Can you tell me one of them? A. He has children, and I can tell you one---one of the names is here--that was Leah. She was there. She was Martha's child.
Q Martha whose child. A. Martha Brewer she went by
Q She went by that when she was a baby. A. Yes sir.
Q Always went by that. A. Yes sir.
Q That was Abram's girl. A. Yes sir.
Q Still she went by the name of Brewer. A. That is what she went by. She didn't have Brewer then.
Q Abram then. A. She went by this other name.
Q Then you can't tell me any of this man Abram's children's names. A. Leah is one of his wife's childs
Q Was she born before the war. A. She was born time of the war.
Q Did they have any children born to them before the war. A. Yes sir, they had some children before the war.
Q What were their names. A. I have done forget.
Q You do not know what district they were living in. A. I have done forget that too. I did know, but I forget it.
Q If I understand you right---from your earliest recollection up until the time you were married you lived with a man named Abram. Is that correct. A. Yes sir.
Q That is the truth is it. A. Yes sir.
Q And you lived with him all the time from your first recollection until you were married. A. Yes sir, and he was a colored man and his wife a colored woman.
Q What was her name. A. Martha
Q Abram didn't belong to anybody. A. Not that I know of.
Q And he lived about five miles east of Fort Smith. A. That is where they went to get grub.
Q Did Abram have any neighbors around him. A. He didn't have any very close.
Q Do you remember a single one of them. A. I remember this old Mr. Brewer here. He lived close.
Q About a mile. A. He lived away up about the mouth of Lee's Creek.
Q How far from where you lived. A. I can't tell you .
Q Was it a mile and a half. A. I couldn't tell you.
Q About how far. A. I couldn't tell you because I do not know.
Q Can not you give an idea . A It was more than one mile.
Q About how far. A. About 7 or 8 miles, I reckon.
Q Did you see him often before the war. A I saw him several times.

Q Where did you see him. A. Up Lee's Creek
Q At whose house. A. At no house at all. I met him in the road
Q And you met him several times in the road. A. The first time I did.
Q Before or after the war. A. Before.
Q How long before the war. A. I can't tell you how long before the war.
Q About how long. A. It seems to me two or three years.
Q Do you know whether the war was going on when you met him. A. Yes sir, it was.
Q And it had been a year or two. A. I think so.
Q And that is the first time you saw him. A. Yes sir.
Q And the war was going on. A. Yes sir, it was.
Q And had been for a year or two. A. Yes sir.
Q Were you horseback. A. No sir, walking.
Q Was he walking. A. I reckon so, yes sir.
Q Don't you know. A. He was coming down the road and I met him and we talked.
Q Was anybody with you? A. No sir.
Q Was anybody with him? A. No sir.
Q How long was it when you saw him after that. A. I saw him again.
Q Out in the road. A. No sir, down at Brown's place.
Q How long after that. After the war? A. No sir, along in the war time.
Q I thought you said you lived at old man Abram's from your first recollection until you married. A. Yes sir, but I met him at Brown's
Q Were any of the Brown folks there when you met him. A. Yes sir
Q Who. A. Mrs. Brown. I always went up there.
Q How far did Abram live from Brown. A. I reckon it was a mile
Q What direction. A. I couldn't tell you what direction.
Q Don't you know whether it was north or east or south or west. A. I couldn't tell you north or south or east. I do not know now.
Q But you lived over there. A. Yes sir, but I can't tell just north or south now.
Q Was Brewer by himself the next time you saw him. A. I met him there on the place.
Q Was he by himself. A. He maybe had some company with him.
Q Did you have anybody with you. A. I was there on the Brown place.
Q And Mrs. Brown was there. A. She was.
Q Did they have any children there then. A. Yes sir.
Q What were their names. A. I done forget their names.
Q Boys or girls. A. Some boys.
Q About how many. A. About two or three.
Q Don't you know. A. Two or three ---three of them.
Q Three boys. A. No sir, boys and one girl.
Q How many boys and how many girls. A. Two boys and one girl
Q What were the boys' names. A. I done forget.
Q What was the girl's name. A. I have forget their names.
Q You testified before, in answer to this question--"do you remember that wh dmill that he had over his barn"---referring to Judge Brown. You said "Well, I seed a windmill. I never paid much attention to it." Do you mean to say that you saw a windmill before the war up there over Judge Brown's barn.

S. Did I testify to that?
Q Yes sir. Is that correct. A. Yes sir.
Q You saw a windmill there. A. If I said it I sticks to it.
Q Did you see it. A. Yes sir I saw it.
Q I will ask you if in answer to this question "Was there a brick hotel up west of his house about 100 yards" you answered "there might have been" did you say that. A. No sir, I never said anything about a brick hotel.
Q That question was never asked you then was it. A. No sir, it was not asked me at that time.
Q Was it ever asked you while you were under oath. A. No sir, This is the first time you ever asked me about that question.
Q Where did you go to live after you were married. A. I stayed down there. I lived at Mr. Brown's after I married a while and then I moved up towards Salisaw, me and my wife.
Q You moved up in Salisaw from Judge Brown's place. A. Yes sir
Q On whose place did you move to when you went to Salisaw. A. Williams.
Q What was his first name. A. I don;t know.
Q How far from where the town of Salisaw is. A. I don't know. It was out in the country where I lived.
Q How far from town. A. I don't know how fr from town.
Q What direction from Salisaw. A. I couldn't tell you what direction.
Q On what side of the creek was it. A. On no creek at all.
Q In the timber or prairie. A. I was living in the timber then.
Q What did you raise out there. A. Corn.
Q Did you go to town to buy anything to eat. A. The land furnished me. I hardly ever went to town.
Q How long did you stay on Williams place. A. About 2 years
Q Then where did you go. A. Moved out into the country onto another man's place, about 7 or 8 miles.
Q What was his name. A. I forget his name. I stayed there one year.
Q What was his name. A. I can't think of his name now.
Q Did this man, Williams, have any neighbors around him. A. Yes a few.
Q What were their names. A. I don't know, sir. I hardly ever visited around much.
Q Did you go to Salisaw once in a while. A. I went there one time in my life.
Q While you were on the Williams place. A. Yes sir. He furnished my grub.
Q And you went from Brown's place directly to Williams' place, near Salisaw. A. Yes sir.
Q Is that correct. A. Yes sir, that is correct.
Q You lived on the Williams place about two years. A. Yes sir two years.
Q While you were there you went to the town of Salisaw one time A. Yes sir
Q Did you go on the railroad. A. On a wagon
Q There was a railroad running through Salisaw wasn't there. A. I think so
Q Were there a number of stores there. A. A few stores.
Q Do you know who you traded with. A. No sir.
Q How long did you stay at Judge Brown's place after the war before you moved to the Williams place. A. I told you just now, near about two years.
Q At Judge Brown's place. A. I stayed there two or one years.
Q Was Brown living there after the war? A. He was living when I was there.
Q Was he there after the war. A. I reckon it was him.

Q Do you mean to tell this Commission that you do not know whether he was living there when you were there. A. He said he was Brown.
Q Was it the same man that was there before the war. A. Yes sir, I reckon it was the same man.
Q Do you know. A. Yes sir.
Q Was his wife there after the war. A. Yes sir.
Q And he had some children there after the war. A. Yes sir, three.
Q You do not know their names. A. No sir, I can't keep up with the names.
Q What kind of a house did you live in. A. A log house
Q How far from Judge Brown's house. A. Not very far. He could call me away from my house when he wanted me.
Q He did call you frequently. A. Yes sir, when he wanted anything done.
Q When did you move from the Williams place over near Salisaw. A. I can not tell you when I moved there exactly. I moved from there.
Q How far from the Williams place. A. I don,t know sir.
Q About how far. A. I do not know.
Q Was it one mile or forty. A. I don't know.
Q What District was it in. A. I don't know.
Q You never heard the name of that district did you. A. I heard them call it, but I have forget.
Q How long ago has it been since you left the williams place. A. I reckon two years---no, longer than that.
Q Three? A. 8 or 9 years since I was down there.
Q Since you went down to the Williams place. A. Yes sir.
Q Then, 8 or 9 years ago you lived on the Williams place.A. Yessir.
Q And you lived there two years, and that would make it 11 years and you lived on the Brown place one or two years, and that is all the places you have lived in the Cherokee Nation since the war. A. I stayed at Gibson awhile.
Q But that is since you lived at the Williams place. A. I moved from up there down to the Gibson place and stayed there a good while.

BY MR McKEA:

Q Your wife, Elvira, was she a slave before the war, in the Cherokee Nation. A. I don't know sir.
Q Or was she a free woman. A. I do not know whether she was a slave or a free woman.
Q Did you know her before the war. A. I got acquainted with her in time of the war.
Q Where was she living then. A. Over at Brown's place she said. She is dead.
Q Did she, on behalf of herself, or any one for her, make application to the Commission for her enrollment as a citizen of the Cherokee Nation before she died. A. Nobody but me , as I knows of.
Q She has never made application for enrollment herself.A. No sir.
Q And these children for whom you made application, are they living. A. Yes sir, all five of them.

BY MR. HASTINGS:

Q When did you first see Mike Brewer after the war. A. I see him time of the war.

Q After the war. A. Right there on Lee's Creek.
Q When did you see him after the war. A. About a year or six
Q months after the surrender.
Q Where were you living . A. Down on Lee's Creek with that
colored fellow.
Q Abram. A. Yes sir.
Q I thought you had moved from there. A. I left there when the
war closed.
Q Where was Jay Brewer living. A. Up the creek
Q At that time A. Yes sir.
Q Did Jay Warren Reid fix up this testimony for you. A. Mr
Fields did.
Q Reid was associated with him at that time. A. I reckon so.
I saw them together. Mr. Reid was not in when I went before
you. I saw Mr. Fields come down there after me and carried me
up there.
Q From where. A. I was on the Rose place at Gibson.
Q You never made application before for citizenship for you
until they worked up this case. A. I had been there, I
started and they told me no use to go, and to come next day.
Q Did you apply before the Kerns-Clifton Commission in 1896 to
be enrolled. A. No sir.
Q You never did apply any time to be enrolled before did you,
before Reid and Fields got a hold of you. A. I went up
there when you were at Gibson and stayed there and stayed a
whole day and never got in and Mr. Fields told me he would
carry me up there and attend to my case for me because I
couldn't read nor write.
Q You consulted with Reid down in town and Fields carried you
up before the Commission, didn't he. A. Yes sir, Fields
carried me up.

COMMISSION:

Q You say you do not know whether Elvira was a slave when the
war broke out or not. A. No sir, I do not know.
Q You do not know where she lived. A. She lived at the Brown place
Q How do you know. A. I got her from there.
Q Where was she living when the war broke out. A. I do not know
where she was living then.
Q Do you know who owned her when the war broke out. A. NO sir,
I do not know.
Q Do you know whether or not she lived in the Cherokee Nation
when the war broke out. A. I do not know.
Q You do not know anything about her at the beginning of the
Rebellion. A. No sir, not a bit more than you.
Q You do not know anything about her till you met her some time
during the war. A. That is all I knew about her.
Q Was it along toward the latter part of the war that you met
her. A. One year before the surrender.
Q And prior to that time you did not know anything about her.
A. No sir.
Q When did you first come to the Cherokee Nation, Mr. Goins.
A. I came to the Cherokee Nation the time they were fixed
about the war.
Q When they were fixing about the war. A. Yes sir, I heard them
talking about it.
Q Where did you come from---Mississippi? A. No sir.
Q Arkansas. A. South Carolina.
Q You came from South Carolina here in the Territory about the
time the war commenced. That is what you want to say, is it.
A. Yes sir, that is when I came to the Cherokee Nation.
Q They had been fighting in South Carolina before you came

hadn't they. A. I don,t know. I h ard the people talki g about the war and I come over here. They fetched me over here. I started before the war.
Q But you didn't come to the Cherokee Nation until after the war, did you. The war was over when you got here. A. No sir.
Q Still going on. A. I come the time the Indians come.
Q What Indians. A. I do not know what Indians, but they were Indians.
Q Where did you go with the Indians. A. I came from South Carolina with the Indians over into the Territory.
Q And they were fighting over here then. A. I do not know whether they were or not. I can't tell.
Q You never came to Judge Brown's place until some time during the war, did you. A. They carried me down there on Judge Brown's place. That is where I first found myself. The Indians fetched me here.
Q From South Carolina. A. Yes sir.
Q What Indians was it. A. I couldn't tell you what Indians
Q What became of them. A. I don't know.
Q Where did they leave you. A. Down there------
Q In Arkansas by Fort Smith. A. No sir, this side of Fort Smith--up this side.
Q Who did you belong to over in Carolina. A. I didn't belong to anybody but my mother I reckon.
Q You were a grown man were you not when you came to the Cherokee Nation. A. No sir, not full grown.
Q Pretty near grown. A. A young fellow when I came here.
Q How old were you when you came--about 18 or 20? A. I was not quite a man, so the old ones told me. I was big enough to sorter know things.
Q Where were you born. A. I do not know sir.
Q What state were you born in. A. I can not tell you what state.
Q Where were you when you can first remember. A. I was here in the Cherokee Nation when I first remember anything at all. I am honest with you.
Q What made you tell me you were born in Carolina and came here a grown man. A. If I told you that I made a mistake, and didn't mean to do it.

WITNESS EXCUSED.

Zeke Brewer, being duly sworn, testified as follows:

BY MR. McRae:

Q What is your name. A. Zeke Brewer.
Q How old are you. A. I do not know. I am about 100
Q What is your post office address. A. Bragga Station
Q Are you an authenticated citizen of the Cherokee Nation. A. Yes sir, been born and raised in the Cherokee Nation.
Q Are you acquainted with one, Calvin Geins. A. I have seed him one or two, maybe two or three times.
Q How long have you known him. A. The first time I saw him was before the war.
Q Where at. A. At Judge Brown's place on Lee's Creek.
Q About how long before the war. A. I expect 4 or 5 years.
Q Do you know whether he was a free colored person, or was he owned by a Cherokee citizen. A. I do not know whether he was owned by anybody or not. I saw him at Brown's and I knew

his darkeys, but I don't know whether he was a slave or not.
Q Was he fully grown when you knew him--was he 21 years of age.
A. I expect he was.
Q Did he have a family at that time. A I do not know. I was on a travel going home.
Q What did he do for a living, d do you know. A. I don't know anything about what he did for a living. He was at Brown's working there I suppose. He might have hired him, I am satisfied he didn't belong to him
Q Has he continuously resided in theCherokee Nation since you first knew him. A. When I saw him the next time he was in the Cherokee Nation--not on Brown's place. I have not been out of the Cherokee Nation.
Q How often have you seen him since you first knew him in the Cherokee Nation. A. I didn't see him but twice right close up, but this is the same man I saw at Judge Brown's.
Q And that was four or five years before the war when you first saw him. A. Yes sir.
Q Were you acquainted with his wife, Elvira. A. No sir, I didn't know whether he had a wife or not .

BY MR. HASTINGS:

Q Where were you living before the war when you claim to have seen this man. A. At Saliasw.
Q Didn't you testify here that you lived on Coody's Creek four or five years before the war. A. I lived there when the war broke out and had been living there four or five years.
Q That is near Muskogee is it not. A. Yes sir.
Q You had been living there four or five years before the war broke out. A. Yes sir.
Q And Judge Brown lived on Lee's Creek above Fort Smith.
A. Yes sir.
Q Had you moved to Coody's Creek when you saw this man before the war. A. No sir.
Q Where were you living. A. On Saliasw.
Q How long before you moved to Coody's Creek was it when you saw this man at Judge Brown's. A. I can not recollect exactly how long it was.
Q Five years. A. I could not tell you. I can not recollect exactly.
Q About five years. A. It might have been more
Q As much as ten years. A. I could not say.
Q What is your best judgment. A. I would say about ten or eleven or twenty years.
Q Before you moved to Coody's Creek. A. No sir, we moved from Saliasw close to North Fork.
Q It was ten or twelve years before you left Saliasw. A. Yes sir
Q Then you saw this man before the war. A. Yes sir.
Q And you moved from Saliasw to Jim McDaniels place. A. Yes sir close by.
Q How long did you stay there. A. Four or five years
Q And you moved from there to Coody's Creek before the war.
A. Yes sir.
Q Have I got it right---you saw him sometime ten or twelve year before you left Saliasw, and then you lived at Jim McDaniel's about three years, and on Coody's Creek about five years before the war-- which would have made you see him about 20 years before the war. A. I would think------
Q Is that your best judgment now. Is that statement correct
A. You will have to make it correct.
Q Let us go back over it. Did were living on Saliasw when you

claim to have seen this man before the war. A. Yes sir.
Q You moved from Salisaw down to Jim McDaniels' place and stayed there about three years. A. Yes sir, close to that.
Q Is that so. A. Yes sir.
Q You moved from McDaniels' place to Coody's Creek about four or five years before the war. A. Not hardly five
Q Four years. A. About four years.
Q Then you had been away from Salisaw about seven years when the war came up. A. Yes sir, I guess so.
Q Then it had been some ten or twelve years before you left Salisaw when you saw this man at the Brown place. Is that correct? A. I guess it is the way you count it.
Q Was this fellow, Calvin Goins, then married when you first saw him. A. I don't know anything about his marriage. I was on the travel, and stayed there at old man Brown's twice, me and my boy, Tom Brewer.
Q Then, according to your statement, you saw this man some 15 or 20 years before the war at the Brown place.A. You can have it the way you want it. I saw him twice. If I could talk Cherokee to you I could tell you about it.
Q Did you see him any more. A. I saw him again.
Q When. A. After peace was made, but I can not say how long
Q Where. A. Close to the brown place--up above--on a Christmas
Q You do not know how long that was after the war. A. No sir
Q As much as 15 years after the war. A. I couldn't say.
Q 20. A. No sir.
Q Was it 16. A No sir, no 16. It wasn't 10.
Q About how long. A. It wasn't 5 years afterwards, but I can't date the time.
Q Were you ever at this man's house. A No sir, I just saw him at another place. It might have been his, I don't know. I was running around.
Q This man came in here and swore for Leah Brewer , your daughter-in-law, the other day didn't he? A. Yes sir.
Q And now you are here swearing for him. A. Yes sir, I swear that I saw him and he is the same man.
Q How do you know it is the same man. A. By his own features.
Q You never h ard his name at that time. A. Yes sir, it was Goins
Q Were there any Goins there then. A. Plenty of them.
Q Who did they belong to before the war. A. The Goins were free. They were free.
Q Every man by the name of Smith is bound to be the same.A. No sir
Q Have you ever seen this man from 5 years after the war up until the present time. A. I said it might have been five.
Q When did you next see him. A. I never saw him until I saw him here the other day.
Q Here in town. A. No sir, I saw him across the river. We came here together.
Q And you talked over this-- what you were going to testify and he was to testify for your daughter-in-law and you were to testify for him. Is that the way of it. A. No sir, that is not. I want to tell the truth.
Q Do you mean to tell this Commission that you saw this man about 10 or 15 years before the war, which was 45 years ago, and you didn't have any particular acquaintance with him, but to-day you come here under oath and swear that you just happened to see this strange darkey there, which is now 45 or 50 years ago, and had no acquaintance with him. A. I said I knew him by his features.
Q And you know now by the features of this man that you saw 45 or 50 years ago that it is the same man. A. Yes sir, it is the same man yet.

Q And yet, in all this time you have never seen him have you.
A. Not until I saw him when he was going to come here.
Q Was he a grown young man when you first saw him. A. He might have been 20 or 21 ---somewhere along there.
Q That was when you first claim to have seen him. A. I expect he was that old.
Q How old was he when you next saw him. A. I can't date the years. I do not know my age nor anybody else's ages.
Q You do not know where he was when the war come up. A. No sir
Q You do not know where he was when the war closed. A. No sir when it first closed.
Q You do not know where he was during the war. A. No sir.
Q Was he in the army. A. Not as I knows of. I never was in any army but once, and I was no soldier.

WITNESS EXCUSED.

Leah Brewer, being first duly sworn, testified as follows:

BY MR. MCKEA:

Q State your name. A. Leah Brewer
Q How old are you. A. A little over 30. I do not know how much.
Q What is your post office address. A. Claremore.
Q Are you an applicant for citizenship in the Cherokee Nation
A. Yes sir.
Are you acquainted with Calvin Goins. A. Yes sir
Q How long have you known him. A. Been knowing him ever since I can recollect.
Q Where was he living when you first knew him. A. On Lee's Creek.
Q In the Cherokee Nation. A. Yes sir.
Q And has always been in the Cherokee Nation. A. So far as I know about it.
Q Do you know whether or not he was a slave or freedman in the Cherokee Nation before the war. A. I do do not know anything about before the war.
Q Then of your own knowledge you do not know anything of Calvin Goins being a freedman or a slave. A. No sir
Q Have you continuously seen him in the Cherokee Nation since you learned to know him. A. I never saw him anywhere else.
Q Did you know his wife before she died. A. Who.
Q Calvin's wife, Elvira. A. Yes sir.
Q You do not know anything of her before the war do you.
A. Of course not.

BY MR. HASTINGS:

Q When you were ten years of age, when you remember so you know yourself of your own independent knowledge, where was Calvin Goins then living. A. He was living on Lee's Creek.
Q On whose place. A. Judge Brown's widow's. She was a white woman.
Q What was her name. A. I don't know her name
Q Did they have any children. A. Yes, but I never heard of them having children.
Q How long did he continue to reside on Judge Brown's place.
A. He stayed on his wife's place a while, then he stayed on my father's place, Caleb Brown's place.

C.F. R -179--#15

Q He stayed at your father's place awhile. A. Yes sir.
Q How far did he live from Judge Brown's place. A. I can't tell you.
Q About how long. A. About five years I believe, to my recollection, to my best knowledge.
Q How far did yeur father live from the Brown place. A. Father lived on his own place.
Q How far from the Brown place. A. It wasn't far--right in the neighborhood.
Q How far was it. A. I do not know. Not over two, or maybe five miles. I have no record of the distance.
Q You remember this man, and are making these statements------- giving us your best judgment about the distance from place to place. A. I told you I didn't know the distance, but that they are in the same neighborhood. My best knowledge is 4 or 5 miles, maybe more or less.
Q What direction was your father's place from the Brown place. A. It was---I couldn't tell you what direction it was.
Q How far from Lee's Creek was the grown place. A. It wasn't many miles.
Q About 10. A. I can not tell. I don't know.
Q On what side of Lee's Creek was the old Judge Brown place. A. Over on the Cherokee side.
Q What side of Lee's Creek---north or south. A. I do not know north or south.
Q On what side of Lee's Creek was your father's place on. A. My father did not stay far, I guess it was 10 or 12 miles from town.
Q What town. A. Muldrow---where Muldrow was.
Q On what side of Lee's Creek was your father's place. A. On this side.
Q East or west or north or south. A. I do not know.
Q Where did this man go from your father's place. A. I do not know. I never kept up with him.
Q I thought you had known him ever since that time. A. I knowed him, but didn't follow him.
Q Where did he go to. A. I didn't keep up with him.
Q Do you know what place he moved to. A. He went to galisaw.
Q To the town of galisaw. A. Yes sir.
Q Did you see him in town. A. Yes sir.
Q How often. A. I didn't go very often
Q But he lived in Salisaw and you saw him there when you went. A. Yes sir.
Q Did you see him frequently. A. I didn't go only once in a while. A. Father didn't have a wife, and I had to stay at home
Q How far did you live from Salisaw. A. I lived on Lee's Creek maybe 10 miles or more.
Q Don't you know that this man never lived in the town of Salisaw in his life. A. I said I saw him there, and there is where I saw him.
Q How many times did you see him there. A. Whenever I went.
Q He swore awhile ago that he never was there but once in his life. A. I don't care what he swore. I am telling the truth, and I am telling what I know about it.

C.W. B-179--716

COMMISSIONER:

Q What did you say your father's name was. A Caleb Brown.
Q what was your mother's name. A. Martha Brown.
Q Do you know where they were living when you were born .
A. Living on Lee's Creek.
Q Where abouts on Lee's Creek. A. Right on Judge Brown's place is what they said.
Q Was your mother ever married but once. A. She never married but once to my knowledge.
Q did you ever know a colored gentleman close to where you were raised by the name of Abram. A. I have heard father talk about him. I never saw him. I didn't see him myself.

WITNESS EXCUSED.

ZEKE BREWER recalled.

COMMISSIONER:

Q Where did you say you were living at the close of the war.
A. In Fort Gibson.
Q You were not living on Lee's Creek. A. No sir.
Q How far from Lee's Creek. A. I do not know---something like about 30 or 40 miles.
Q did you know a colored man down on Lee's Creek by the name of Abram. A. Abram what.
Q I do not know. By the name of Abram. A. No sir, I didn't There were so many that I do not know which one
Q When did you marry your wife, the mother of Leah. A. Leah is my daughter-in-law
Q You never knew a colored man down in there who lived on Lee's Creek during the war. A. No sir.
Q The only time you ever saw Calvin Goins was once several years before the war at Judge Brown's place. A. Yes sir.
Q And once several years after the war, and you met him once just traveling about. Is that right. A. Yes sir.
Q And you never knew where he lived. A. No sir.
Q Never knew where he lived. A. No sir.

BY MR. HASTINGS:

Q How far did Judge Brown live from the Arkansas line.
A. I never come from the Arkansas line to Judge Brown's place. I come right down Lee's Creek and stayed all night there and went right on to Gallegw.

W. M. Vance, being duly sworn, states that as stenographer to the Commission to the five Civilized tribes he reported in full all

C.Y. R-179----617.

proceedings had in the above entitled cause on the 15th. day of November, 1904, and that the above and foregoing is a full , true, and correct transcript of his stenographic notes taken in said cause on said date.

(Signed) M.M. VANCE

Subscribed and sworn to before me this the 5th day of January, 1905.

(S E A L)

(Signed) J. R. CAMPBELL
Notary Public

Lucy M. Bowman, being fully sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that same is a true and complete copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 25th, 1905

Milton Wheeler
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, Nov. 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Leah Brewer for enrollment as a Cherokee Freedman.

It appears that on the 15th day of October, 1904, the applicant, her attorney and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee Indian Territory, and introduce testimony as to who were the parents of the said Leah Brewer, and as to whether they or either of them were Cherokee Freedmen, entitled to enrollment as such. Also the time, place, birth and residence since of the said Leah Brewer.

There was no appearance on behalf of the applicant on November 18 and on October 22nd the applicant appears in person and by attorneys Blue & Bulger. The Cherokee Nation by W. W. Hastings. The following proceedings were had.

NANCY SEABOLT being first duly sworn testifies as follows:

EXAMINATION BY W. W. HASTINGS:

Q What is your name? A Nancy Seabolt.
Q What is your age? A 77 years.
Q What is your postoffice address? A Shakespeare.
Q Are you a step-daughter of Judge Jim Brown? A Yes, sir.
Q You testified yesterday that Judge Jim Brown came to this country with your mother in about '37 or '38? A '38
Q Soon after that time he settled on Lees Creek? A Yes, sir.
Q How long after he settled on Lees Creek before you went to live with him? A Just when they came to this country.
Q Did you live with him up until the war came up? A No, sir, I was married and went to house-keeping before the war.
Q About how long before the war were you married? A I don't know, I can't tell you, it must have been ten years.
Q How far did you move from Judge Brown after you were married? A About a half a mile.
Q Did you continue to live within that distance of Judge Brown up to the war? A Yes, sir.
Q Then where did you go? A I went to live with mother.
Q Your mother was the wife of Judge Jim Brown? A Yes, sir.
Q Well now where have you lived since the war? A Right there.
Q Well now as I understand you right, you lived near Judge Brown on Lees Creek, or within half a mile of the old [illegible] for sixty years or more, since '38 or '39? A Yes, sir.
Q Did you ever know a colored girl there who was born during or just after the war by the name of Leah? A No, sir.
Q Did Judge Jim Brown have a colored woman by the name of Martha? A Yes, sir.
Q Where became of Martha? A She went north I reckon.
Q She never lived there after the war? A No, sir.
Q Did you know Martha's mother's name? A Ida.

Here the representatives of the Cherokee Nation desire to refer to the application of Martha Coleb found on Freedmen stribling card #38, as being the Martha referred to by the witness.

Q Did Judge Brown have any other Martha's other than this Martha? A No, sir.
Q Well did you know any colored woman about there by the name of Martha other than this one? A No, sir.
Q Did this Martha have any children? A No, not when she lived there.
Q There was none born to her there? A Yes, she had one before the war, a little babe and it died.
Q Did it die there? A Yes.
Q That was the only one she had? A Yes.
Q Did you know a Leah Brewer, a colored girl, who lived about Judge Brown's place after the war? A No, sir.
Q Did you ever hear of a colored girl born to a man by the name of Brown and a colored woman by the name of Martha? A No, sir.
Q Did you ever know a colored man by the name of Caleb Brown? A No, sir.
Q Did you know a Cherokee by that name? A No, sir.
Q Was there no such man, either Cherokee or colored, during the war or just after the war around Judge Jim Brown's place by that name? A No, sir.
Q Was there not a colored woman other than the one you mentioned who lived near Judge Jim Brown place, or in the vicinity there-of, during or just after the war? A No, sir.
Q You never heard then of this applicant, Leah Brewer? A No, sir.
Q And you have lived at Judge Jim Brown's place ever since the war and are living there now? A Yes, sir.
Q That is in Sequota district, Cherokee Nation? A Yes, sir.

EXAMINATION BY MR. BULGER:

Q You say you lived close to Judge Jim Brown's place there at the beginning of the war? A Yes.
Q Were you acquainted with all the niggers in the neighborhood? A Yes, sir.
Q Were you in a position to be familiar with the history of the whole neighborhood? A Yes, sir.
Q What position were you in? A Why I was a step-daughter of Jim Brown.
Q Are you sure that no Caleb Brown lived in that neighborhood? A Not that I heard of or seen.
Q Well if he had lived in that neighborhood you surely would have heard of him or seen him? A Of course.
Q You were acquainted with this Martha Brown, were you? A Yes.
Q Was she a slave of Judge Brown? A Yes, sir.
Q But you know nothing of Caleb Brown? A No, sir.
Q You know that Martha Brown was not the mother of a girl at that time by the name of Leah? A She never had no children but t that one little babe.
Q Was you with this Martha all the time? A Yes.
Q Lived in the same house? A No, sir.
Q Lived in the same neighborhood? A I saw Judge Brown's niggers every day.
Q Saw Martha every day? A No, not every day.
Q But because you saw some of the niggers every day you know that Martha was never the mother of a child by the name of Leah? A No, sir, she wasn't.

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COMMISSION TO FIVE TRIBES.

EXAMINATION BY THE COMMISSION:

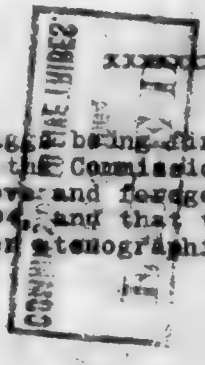
Q The country there was very thinly settled was it, Mrs. Seabolt?
A Tolerable.
Q There wasn't a great many living there at the time? A No, not so many.
Q Well there was not so many but what you knew everybody in the neighborhood? A Yes, sir.
Q You knew everybody who lived within ten miles around? A Yes, sir
Q And you were quite familiar with Judge Brown's slaves? A I knew everyone of them.
Q And you say this Martha had no children living when the war came up? A She had no children when she lived there.

WITNESS EXCUSED.
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The attorneys for the Cherokee Nation ask that the testimony of this witness in the Calvin Going case, Freedman R-179, be introduced and made a part of the record in this case, for the purpose of impeaching the said Calvin Going, who was a witness in this case.

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Opal Griggs being first duly sworn states, that as stenographer to the Commission to the Five Civilized Tribes, she reported the above and foregoing proceedings had on the 22nd day of November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.



Opal Griggs

Subscribed and sworn to before me this 22 day of November, 1904.

J Campbell

a.7.M.

Cherokee Freedman R 33.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leah Brewer as a Cherokee Freedman.

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D E C I S I O N.

THE RECORD IN T IS CASE SHOWS: That, on April 6, 1901, Samuel Brewer appeared before this Commission at Fort Gibson, Indian Territory, and made application for the enrollment of, among others, his wife, Leah Brewer, as a Cherokee freedman. The others included in said application have been otherwise disposed of, and their rights to enrollment as Cherokee freedmen will not be considered in this decision. Further proceedings in the matter of said application were had on April 9, and 10, 1901, at Fort Gibson, and on November 14, and 22, 1904, at Muskogee, Indian Territory. A copy of the testimony taken November 15, 1904, at Muskogee, Indian Territory, in re application of Calvin Goins et al., for enrollment as Cherokee freedmen, case No. R 179, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Leah Brewer, is the daughter of Martha Brown, deceased, and Caleb Brown, deceased, an alleged Cherokee Indian, that said applicant was born since the commencement of the rebellion and possesses no rights to enrollment as a Cherokee freedman other than as a descendant of her said mother. After ample opportunity having been afforded it is not established by satisfactory evidence that the said Martha Brown, deceased, was either the slave of a Cherokee citizen, or a free colored person residing in the Cherokee

country, at the commencement of the rebellion, nor that her residence in the Cherokee Nation prior to February 11, 1867, was such as was required by the treaty stipulations of 1866. Neither is it shown that the applicant herein possesses any rights to Cherokee citizenship through her said father, Caleb Brown, deceased; and after a thorough examination his name can not be identified on any roll of the Cherokee Nation in the possession of the Commission. Except that the name of the applicant herein appears upon the Kern-Clifton roll, neither the said applicant nor the said Martha Brown, deceased, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That, following the rulings of the Department in the cases of Eliza Bryant, et al., (I.T.D. 544-04), William Rector, (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D 2296-04), Ed. Williams (I.T.D. 4230-04), and Moses Ross, (I.T.D. 6056-04, the application for the enrollment of Leah Brewer as a Cherokee freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 28 1905

FR33

~~Encl 43~~

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 25 1903

CHAIRMAN.

Cherokee F.R-33

Muskogee, Indian Territory, February 26, 1903.

Louis T. Brown,

Vinita, Indian Territory.

Dear Sir:

As requested in your recent letter, there is enclosed you herewith a copy of all the testimony taken by the Commission in the matter of the application of Leah Brewer for enrollment as a Cherokee Freedman.

Please sign and return to the Commission the receipt for this testimony.

Respectfully,

Chairman.

Encl-S-12

GRS

M89

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 15

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Leah Brewer for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who were the parents of said Leah Brewer and as to whether they, or either of them, were Cherokee Freedmen and entitled to enrollment as such; also as to the time and place of her birth and her residence in the Cherokee Nation.

The said applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

M209

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 25

Muskogee, Indian Territory, February 25, 1904.

Leah Brewer,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who were your parents and as to whether they, or either of them, were Cherokee Freedmen and entitled to enrollment as such; also as to the time and place of your birth and your residence in the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-33.

Muskogee, Indian Territory, February 25, 1904.

Louis T. Brown,

Agent for Leah Brewer,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Leah Brewer for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who were the parents of said Leah Brewer, and as to whether they, or either of them, were Cherokee freedmen and entitled to enrollment as such; also as to the time and place of applicant's birth and her residence in the Cherokee Nation.

The said Leah Brewer has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Monday, April 4, 1904, at nine o'clock A. M., and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman,
R-66.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 15, 1904.

Leah Brewer,

Fort Gibson, Indian Territory.

Dear madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who were your parents and as to whether they, or either of them, were Cherokee Freedmen and entitled to enrollment as such; also as to the time and place of your birth and your residence in the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine oclock, A. M., on Thursday, November 18, 1904, at which time this case will be taken up by the Commission for final consideration.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman,
R-33.

Muskogee, Indian Territory, October 13, 1904.

Louis T. Brown,

Agent for Leah Brewer,

Vinita, Indian Territory.

Dear sir:

In the matter of the application of Leah Brewer for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who were the parents of said Leah Brewer, and as to whether they, or either of them, were Cherokee Freedmen and entitled to enrollment as such; also as to the time and place of applicant's birth and her residence in the Cherokee Nation.

The said Leah Brewer has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock, A. M., on Thursday, November 18, 1904, at which time this case will be taken up by the Commission for final consideration.

Respectfully,

(SIGNED) T. B. Needles.
Chairman.

COPY.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory at the time indicated, in the following Freedmen cases.

October 15, 1904.

Dennis Vann, et al., Cherokee Freedmen D-641.

November 21, 1904.

Arthur Vann, Cherokee Freedman 40.

November 22, 1904.

Walker Johnson, Cherokee Freedman R-356.

Leah Brewer, Cherokee Freedman R-33.

Dennis Vann, Cherokee Freedman D-641.

November 23, 1904.

Orrena Williams, et al., Cherokee Freedmen R-329 and 328.

George W. Lynch, et al., Cherokee Freedmen D-731.

Frank Harnage, Cherokee Freedman R-178.

Lizzie Sanders, et al., Cherokee Freedmen D-1022.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Encl. 00-6.

COPY.

Cherokee Freedmen

R-33.

Muskogee, Indian Territory, January 10, 1905.

Watkins & White,

Attorneys for Leah Brewer,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on November 14, 1904, in the matter of the application for the enrollment of Leah Brewer as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

COPY. Tams Bixby.

Chairman.

Incl. S-3.

COPY.

Cherokee Freedmen

D-775, et al.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedmen cases:

Freedmen R-775 ---------- Samuel Beck, et al.,
Freedmen R-93 ---------- Samuel Adams,
Freedmen R-179 ---------- Calvin Goins,
Freedmen R-331 ---------- Annie Bell, et al.,
Freedmen R-33 ---------- Leah Brewer,
Freedmen D-987-987 ---------- Mary A. Riley, et al.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. 8-15.

COPY.

Cherokee Freedmen

D-775, et al.

Muskogee, Indian Territory, January 11, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedmen cases:

Freedmen R-775 ---------- Samuel Rook, et al.,
Freedmen R-93 ---------- Samuel Adams,
Freedmen R-178 ---------- Calvin Goins,
Freedmen R-221 ---------- Annie Bell, et al.,
Freedmen R-33 ---------- Leah Brewer,
Freedmen D-987-987 ---------- Mary A. Riley, et al.

Respectfully,

(SIGNED) James Bixby.
Chairman.

Incl. 8-18.

COPY.

Cherokee Freedmen

R-38.

Muskogee, Indian Territory, April 28, 1905.

Louis T. Brown,

Attorney for Leah Brewer,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed copy of supplemental testimony taken at Muskogee, Indian Territory, on November 15, 1904, in the matter of the application for the enrollment of Calvin Goins, et al., as Cherokee freedmen, to be made a part of the record in the matter of the application for the enrollment of Leah Brewer as a Cherokee freedman, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-81

COPY.

Cherokee Freedmen
R-53.

Muskogee, Indian Territory, June 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Leah Brewer as a Cherokee freedman, including the Commission's decision dated June 28, 1906, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. R-4

Through the

Commissioner of Indian Affairs.

COPY. Cherokee Freedmen

R-33.

Muskogee, Indian Territory, June 28, 1905.

Leah Brewer,

Inola, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-1
Register

COPY.

Cherokee Freedmen

R-33.

Muskogee, Indian Territory, June 28, 1905.

Louis T. Brown,

Attorney for Leah Brewer,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for the enrollment of Leah Brewer as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-2
Register

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-33.

Muskogee, Indian Territory, June 28, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application for the enrollment of Leah Brewer as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-3

Chairman.

DEPARTMENT OF THE INTERIOR,

Land.
50932-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

August 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Leah Brewer.

June 28, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is the daughter of Martha Brown, deceased, and Caleb Brown, deceased, an alleged Cherokee Indian; that the applicant was born since the beginning of the war of the rebellion and possesses no rights to enrollment as a Cherokee Freedman other than as a descendant of her mother.

After ample opportunity afforded it is not established by satisfactory evidence that Martha Brown was either the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion, nor that her residence in the Cherokee Nation prior to February 11, 1867, was such as was required by the treaty

stipulation of 1866. Neither is it shown that the applicant possesses any rights through her father Caleb Brown, deceased.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

Cherokee
P R 3

Muskogee, Indian Territory, January 15, 1906.

Louis T. Brown,

Attorney for Leah Brewer,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith copy of record of proceedings had in the matter of the application for the enrollment as a Cherokee freedman of Leah Brewer, which was recently left by you in the Cherokee Enrollment Division of this office.

Respectfully,

Incl. CL-26.
CHL.

Commissioner.

Cherokee Freedmen

R-33.

Muskogee, Indian Territory, January 23, 1906.

Leah Brewer,

Tiawah, Indian Territory.

Dear Madam:

This office is in receipt of your letter of January 18, in further reference to the right to enrollment as a Cherokee freedman of John Brown. In your letter of December 8, 1905, you asked to be advised whether John Brown, a child of Martha Brown, is enrolled as a Cherokee freedman, and you were advised in this office reply, dated December 6, that no person by the name of John Brown, a son of Martha Brown, could be identified upon the records of this office as an applicant for enrollment as a Cherokee freedman. You state in your letter of the 18th inst., that you applied for enrollment to the Kern-Clifton Commission at Tahlequah, and to the Dawes Commission at Fort Gibson, Indian Territory, and at the latter date you applied for the enrollment of John Brown and Julia Brown, and that they were placed on the roll with you.

In reply you are advised that you have been identified as an applicant for enrollment as a Cherokee freedman, and that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting your application, was, together with the

record of proceedings had in your case, forwarded to the Secretary of the Interior for his review and decision on June 28, 1905.

No record can be found of any application having been made for the enrollment as Cherokee freedmen, of either John Brown or Julia Brown. This office was informally advised by Louis T. Brown, who represents you in the matter of your application for enrollment, that you had some children for whose enrollment it did not appear application was made within the time limited by law.

Your letter has been noted and filed, and if legislation is enacted authorizing the enrollment of children born prior to September 1, 1902, and for whom no application was made prior to October 31, 1902, to applicants for enrollment as citizens of the Cherokee Nation, you will be duly advised.

Respectfully,

LS

Commissioner.

G.R.

D.C. 13167 DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.10268-1905.

April 6, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the remanded record of proceedings had in the matter of the application for the enrollment of Leah Brewer as a Cherokee freedman,including its decision dated June 28, 1905, denying said application.

August 11, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission, denying said application, be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, denying the application for the enrollment of Leah Brewer as a Cherokee freedman, is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Cherokee Freedmen

R-33. COPY.

Muskogee, Indian Territory, April 14, 1906.

Louis T. Brown,

Attorney for Leah Brewer,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application of Leah Brewer for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 6, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Tno O'Biall

Acting Commissioner.

Incl. S-44

Cherokee Freedmen

COPY.

R-33.

Muskogee, Indian Territory, April 14, 1906.

Leah Brewer,

Tiawah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 6, 1906.

Respectfully,

(SIGNED).

Wm C Ball

Acting Commissioner.

LS

REFER IN REPLY TO THE FOLLOWING
Cherokee, Freedmen
S-33.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 14, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the application of Leah Brewer for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 6, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-45

Muscogee Indian Territory, 17th 1900

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Re application of Leah Brewer

C.F.R. 33

Louis J Brown

Attorney for Applicant.

6 F B 32

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1901

ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received of the Commission to the Five Civilized Tribes copies of the testimony in the matter of the application of Leah Brewer for enrollment as a Freedman of the Cherokee Nation.

J. J. Fields

Attorney for Applicant.

Fort Gibson, I. T.,

April 29th, 1901.

Cherokee Freedmen #33.

INDEXED

COMMISSION TO THE FIVE TRIBES.
No. 32002 Received SEP [illegible] 1904
ANSWERED Book Page

Brewer, Samuel,
Inola, I.T.,
Creek Nation,
Sept. 3, 1904.

Gives names of 2 children.

ENT?

Feb. 25, 1903.

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Leah Brewer, et al

for enrollment as Freedmen *of the Cherokee Nation.*

Louis T. Brown
Atty for Applicants

Cherokee F.N. *No.* R 33

CHEROKEE FREEDMAN 133

IN THE MATTER OF THE APPLICATION OF

Leah Brewer

A. Original testimony Apl. 6. 1901
B. Mem. of application Apl. 6. 1901
C. Supplemental testimony Apl. 9. 01
D. " " " " 10. 01
E. Receipt for testimony —
F. Supplemental statement 2/25/04.

See Cherokee Freedman Jacket No. 79.

Chen Fr R 34

Chen Fr R 34

REJECTED, as to wife, Lula.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 6,1901.

In the matter of the application of Lewis Lasley for the enrollment of himself, wife and child as Cherokee freedmen; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Lewis Lasley.
Q How old are you, Lewis? A I am 26 years old.
Q What is your post-office address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other tribe or nation?
A No sir
Q Who do you want to enroll besides yourself? A I want to enroll my family.
Q You apply to enroll your family, wife and children? A Wife and child.
Q What is the name of your wife? A Lula Lasley; her name was Nave.
Q How old is she? A She is about 22 I think.
Q What is the name of your child? A Zola.
Q How old is Zola? A 3 years old.
Q What is your wife's father's name? A Reuben Nave.
Q What is her mother's name? A Carrie.
Q Are they living? A Yes sir.
Q Are they freedmen? A I guess so, I don't know.
Q You don't know who her your wife is or not do you? A No, I can't tell you that.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 131 #1677 Louis Lassley, Coowescoowee Dist, adopted col'd

Q You know whether your wife has been recognized as a citizen don't you; did she draw Strip money A Yes sir, she drawed that.

1880 authent cated roll of citizens of the Cherokee Nation examined for applicant's wife and name not found.

Q Your wife don't appear to be on the authenticated roll of 1880, do you know that? A No sir.
Q Were you married to her? A Yes sir.
Q Have you got any certificate of marriage? A No sir, I married before I had to get a license.
Q Who married you? A Mr. Smith, in Coffeyville.
Q Did you have a license? A No sir, it was before this license law come in.
Q Did you marry in Coffeyville? A No sir, I married in Goosenook this side of Coffeyville.

1896 census roll of citizens of the Cherokee Nation examined for applicant, and identified thereon as follows:
page 409 #287 Louis Lassley, Coowweescoowee District.

Q Where was your wife born? A She was born down here in Saline District on Grand River.
Q You lived in the Cherokee Nation all your life? A Yes sir.
Q Living here now? A Yes sir.

Com'r Needles: The name of Lewis Lasley is found upon the authenticated roll of 1880 as well as the census roll of 1896; he avers that he was married to one Lula Nave, and applies for her enrollment, but the name of Lula Nave cannot be found upon the census roll of 1896, nor upon the authenticated

roll of 1880, neither can the name of her mother be found; no satisfactory proof is presented as to her citizenship, consequently the application for the enrollment of his wife Lula is rejected; he avers that he was married by one Smith, but presents no certificate of marriage; as a result of said marriage there is one child, Zola, three years old, whose name d es not appear upon the census roll of 1896, having been born after the said roll was compiled; he is duly identified and make s satisfactory proof as to residence, consequently he Lewis Lasley and his child Zola will be listed for enrollment as Cherokee Freedmen, but in order to complete the enrollment of his child it will be necessary for him to file a certificate of marriage to his wife Lula and proof of birth as to the birth of the child, Zola.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Trib s he correctly recorded the testimony and proceedings in this case an that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 6,1901.

C. R. Breece

Commissioner.

D. C. T. - 34

In the matter of the application of Lula Lasley, nee Nave, for enrollment as a Cherokee freedman.

SUPPLEMENTAL STATEMENT.

---oOo---

From an examination of the testimony and the evidence in this case, it is found that on the 8th day of April, 1901, Lewis Lasley, husband of the aforesaid applicant, made application for her enrollment; which application was denied, and she was listed for enrollment as a rejected freedman.

Upon further examination it is found that on the 29th day of June, 1901, Lula Lasley, nee Nave, made application in person and was listed by the examiner in the field, as a Cherokee freedman on a doubtful card.

In view of the facts hereinbefore stated, Lula Lasley, nee Nave, will now be listed in accordance with the judgment of the field examiner, on the 29th day of June 1901, on a doubtful card, and her enrollment as a Cherokee freedman on a rejected card is ordered cancelled, and the above transfer ordered made accordingly.

Dated at Muskogee, I. T.

this 25th day of February, 1903.

ENROLLMENT REFUSED.

34

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

CANCELLED

1. Original testimony Apl. 6. 1901

2. Memo of application Apl. 6/1901

Supplemental testimony Feb 25/1907

Cher Fr R 35

Cher Fr R 35

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 8, 1901.

In the matter of the application of Emily Humphries for the enrollment of herself and one grandchild as Cherokee Freedmen.

Emily Humphries being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Emily Humphries.
Q How old are you? A I don't really know my age, but I am 75 or 80, I don't exactly know.
Q What is your post office? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other nation or tribe? A No, sir, never was.
Q Have you always been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A A grandchild.
Q What is its name? A Elnora Ross.
Q How old is she? A She is 11 years old.
Q Are you married? A No, sir, I am a widow.
Q What was your name in 1880, 20 years ago? A Vann, as well as I can remember.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant found thereon, Page 2559, Tahlequah district, as Emily Vann.

The 1896 census roll of Cherokee Freedmen examined and the applicant found thereon, Page 1210, No. 175, Tahlequah district, as Emily Humphrey.

Q Who was the mother of Elnora Ross? A Well, Dora Rogers was the mother of her.
Q Is she living? A No, sir, she is dead.
Q Is she on the roll of 1880? A No, sir, I don't think she is on the roll at all; her father is on the roll.
Q What was her father's name? A John Ross.
Q Is John Ross living? A Yes, sir.
Q Why don't he enroll this child of his? A He isn't here.
Q Where is he? A He is living up to Vinita now at this time; I had the child, I am its grandmother; John is my son, and I have had the child for some six or seven years; after its mother died I taken it.
Q Is he about 34 years old now? A I guess he is nearabouts; I know don't know his age, his age is on the roll there.

The 1880 authenticated roll of Cherokee Freedmen examined, and the name of John Ross found thereon, page 798, No. 1854, Tahlequah district.

Q You say Dora was never on any roll? A No, sir.
Q Was she a citizen? A No, sir, she wasn't a citizen.
Q Was John and her married? A No, sir, she never was married.
Q We can't enroll that girl. A Well, all right; I just want to tell what is straight.
Q Were you a slave? A Oh yes, sir.
Q Who did you belong to? A I belonged to John Jordan.
Q Where were you at the beginning of the war? A Right here about five miles from here.
Q Were you taken out during the war? A Never was, never left the Cherokee Nation at all; I was brought from the old country.
Q What is your last husband's name? A Richard Humphries.

The 1896 census roll of Cherokee Freedmen examined, and the name of Elnora Ross is found thereon, page 1211, No. 441, Tahlequah district, as Ellen Ross.

E.H. - 2.

Commissioner Needles: The name of Emily Humphries is found upon the authenticated roll of 1880 under the name of Emily Vann. She is duly identified as the applicant, her present husband being named Humphries, and her name is found on the census roll of 1896 as Emily Humphries. The applicant applies for the enrollment of Elnora Ross, and the name of Elnora Ross is found upon the census roll of 1896 as Ellen Ross. The applicant applies for the said Elnora Ross as the child of John Ross and Dora Rogers, a non citizen. She also avers that John and Dora were not married. Consequently her application will be refused, and she will be rejected. Emily Humphries will be listed for enrollment as a Cherokee Freedman.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 8th of April, 1901.

Commissioner.

Cher. Freed. R-35.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 30, 1902.

In the matter of the application of John Ross for the enrollment of his child, Elnora Ross, as a Cherokee freedman; he being sworn and examined by the Commission, testified as follows:

Q What is your name? A John Ross.
Q How old are you? A 37.
Q What is your postoffice address? A Muskogee.
Q Who is it you want to make application for? A Elnora Ross.
Q How old is she? A She is about nine years old.
Q What is her father's name? A John Ross, it is my child.
Q Who is the mother of the child? A Peggy Ross.
Q Is its mother living? A No sir, she is dead.
Q Is its mother a Cherokee freedman? A Yes sir.
Q You yourself are a Cherokee freedman? A Yes sir.
Q What was her mother's name before you married her? A Fields.
Q Where was this child born? A She was born in the Cherokee Nation.
Q Has the child always lived in the Cherokee Nation? A Yes sir, living with its grandmother right now.
Q Never lived outside of the nation? A No sir.
Q What is the postoffice address of this child? A Tahlequah.
Q The child living in Tahlequah District? A Yes sir.
The applicant's father is duly identified on the authenticated Cherokee roll of 1880 in Tahlequah District opposite No. 1854.
Q Who did you say was the mother of this child? A Peggie Fields.
Q This Elnora you apply for? A Dora Rogers is the mother of this child. (Having reference to the child appearing on Freedman Card R. #35.) Peggie Fields is the mother of the child I apply for.
Q Did you have a child by Dora Rogers? A Yes sir.
Q What is its name? A Elnora. I have applied for Elnora and John.
Q Now who is John's mother? A Peggie Fields, daughter of Simon and Kate Fields.
Q Is thischild, Elnora Rogers, of yours by Dora Rogers living now? A No sir, she is dead.
Q When did she die? A She died about eight or nine years ago. She died in '93 I believe.
Q Then the child for whom your grandmother Emily Humphries applied must be your child by Peggie? A Yes sir.
Q Were those children about the same age or was Dora Rogers' child older? A A little older.
Peggie Fields is identified on the authenticated roll of 1880 Tahlequah District page 759, No. 726.

Upon examination of the records of the Commission it appears that on the 8th day of April, 1901, at Fort Gibson, Indian Territory, Emily Humphries appeared before the Commission and made application for the enrollment of herself and grandchild Elnora Ross as Cherokee freedman.

(Applicant now states that both children Elnora are now living.)
It further appears that the said Elnora Ross was given the tribal enrollment which appears in Tahlequah District No. 441, but an examination of the original census roll discloses that the Elnora Ross there enrolled was enrolled with her father John Ross and her brother John Ross Jr., and it would therefore appear that the enrollment given to Elnora Ross on Cherokee freedman roll card, No. R-35 is incorrect and that that enrollment properly belongs to Elnora Ross, the child of John Ross and Peggie Ross, for whom application is this day made.

2-John Ross.

John Ross makes application for the enrollment of his child, Elnora Ross, as a Cherokee freedman. He avers that the said Elnora Ross is his child by Peggie Ross nee Fields who is duly identified on the authenticated roll of 1880. The applicant himself is identified on said roll as well as the census roll of 1896. He makes satisfactory proof as to the residence of this child and it will therefore be listed with him for enrollment as a Cherokee freedman on Cherokee freedman roll card, Field No. One.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger.

Subscribed and sworn to before me this 3rd day of September, 1902.

B C Jones
Notary Public.

Cherokee Freedmen R #35

jcr

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elnora Ross as a Cherokee Freedman:

D E C I S I O N

The record herein shows that on April 8, 1901, Emily Humphreys appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of her minor grandchild, Elnora Ross, as a Cherokee Freedman; and that on August 30, 1902, John Ross appeared before the Commission at Muskogee, Indian Territory, and also made application for said Elnora Ross.

The evidence shows that Elnora Ross is the minor child of said John Ross, who is identified on the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

The evidence further shows that the said John Ross has resided in the Cherokee Nation all his life, and it is considered that the residence of the said Elnora Ross is the same as that of her father.

It is, therefore, the opinion of this Commission that Elnora Ross should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

1109

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 35

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of Elnora Ross as a Cherokee freedman.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

T. R. Breckinridge.

Encl. V- 15

Commissioner in Charge.

ENROLLMENT REFUSED

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Elmira Ross

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apl. 8 &

B. Rem. of application " " "

Original Papers Filed

Dec 12 1902

Testimony filed with Dawes Commission

Ex Freedman Docket # 93

Decision

Cher Fr R 36

Cher Fr R 36

REJECTED as to Applicant's husband, George Irons, and his children and grand child.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 8th, 1901.

In the matter of the application of Jenanna Irons for the enrollment of herself, husband, GEORGE IRONS, and child, and step-children and step-grand child, as Cherokee Freedmen; said Irons being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Jenanna Irons.
Q How old are you? A 22 years old.
Q What is your post office? A Fort Gibson.
Q What district do you live in? A Tahlequah District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir
Q Have you ever applied to be enrolled with any other tribe except the Cherokees? A No, sir.
Q Who is it you want to enroll besides yourself? A One ~~husband~~. child.
Q Have you a husband? A Yes, sir.
Q Do you want to have him enrolled? A No, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q You and he separated? A No, sir.
Q Why don't you apply for him? A I don't know as I could.
Q Where is he? A He is outdoors.
Q What is your husband's name? A George Irons.
Q Where were you born? A I was born in the Cherokee Nation.
Q Where? A I was born on Sp ring Creek.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir
Q Give me the name of your father? A Joe Ross.
Q Is he dead or alive? A He is living.
Q He is a Cherokee Freedman is he? A Yes, sir.
Q Give me the name of your mother? A Susie Vann.
Q Is she dead or alive? A She is living.
Q Is she a Cherokee Freedman? A Yes, sir.
Q When were you married? A I was married in '99.
Q Were you ever married except this time A No, sir.
Q You and your husband lived together ever since you were married?
A Yes, sir.
Q Was he ever married except to you? A Yes, he has been married before ; his wife is dead.
Q Have you a certificate of your marriage? A Yes, sir.
Q Where is it? (Hands paper to COM'R.)

The applicant presents a license issued by the Clerk of the United States Court, Northern District, Indian Territory, February 28th, 1899, authorizing marriage between herself and her husband, as stated by her, and a certificate showing that they were united in marriage by the Reverend Samuel Selsman; said certificate being issued December 18, 1899. This is filed herewith.

Q You say your husband's full name is? A George Irons.

GEORGE IRONS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Have you been enrolled yet? A No, sir.
Q How old are you? A 37.
Q What is your post office? A Fort Gibson.
Q Do you live in Tahlequah district? A No, sir, Illinois.
Q Your wife thought you lived in Tahlequah? A Well, I don't know, see the line,--

Q The line is pretty close? A Yes, sir; I lived between the two public roads.
Q Are you willing to go as Tahlequah, your wife think it is?
A Yes.
Q Where were you born? A Born in Tahlequah District.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir, I suppose so; they said I lived out about three years as my folks say.
Q What three years was that? A During the war.
Q When you were a child? A Yes, sir.
Q Give me the name of your father? A Naro Irons.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Rachel Wright.
Q Her name was Wright when your father married her? A Yes, sir.
Q Is she dead? A She is dead.
Q You were married before you married this woman? A Yes, sir.
Q How many times? A Once.
Q What was the name of your first wife? A Winnie Lyons.
Q She is dead is she? A Yes, sir.
Q Was she dead when you married this woman? A Yes, sir.
Q Have you any children of that first wife? A I have got two living children.
Q You want to apply for them now do you? A Yes, sir.
Q And you have got one child by this wife? A Yes, sir.
Q When did your wife, Winnie, die? A '92, July 17th.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she born in the Cherokee Nation? A Yes, sir.
Q How old was she when she died? A I don't know, sir; she was born in '67 in the Territory.
Q Give me the name of the mother of your wife Winnie? A Mahaley Daniels.
Q She is dead is she? A Yes, sir.
Q Give me the name of her father? A Jeff Lyons, but go by the name of Ross too.
Q He is dead is he? A Yes, sir.
Q Now, give me the names of the children of your first wife?
A Bertha Irons.
Q How old is that child? A 16.
Q Give me the name of the next child? A Bettie Irons.
Q How old is that child? A 13.
Q Are these children both living? A Yes, sir; that oldest one she is the mother of one child.
Q Was she ever married? A No, sir.
Q What is the name of her child? A Elenora.
Q How old is her child? A About a years old I suppose last April.
Q Where is your daughter, Bertha? A Delaware District.
Q She is not here now? A She is down on Four Mile Branch.
Q This child, Elenora, is living now? A Yes, sir.
Q Now give me the name of the child of your present wife?
A Susie Irons.
Q How old is that child? A She was born 27th of October last year.
Q This child, Elenora; is it called Elenora Irons? A No, sir; my daughter says Elenora Nivens.
Q Your daughter, Bertha, was never married to this man Nivens?
A No, sir.
Q But this is the name she gave the child? A Yes, sir.
Q Have you any proof of your marriage to this first wife, Winnie?
A Yes, sir; I think so; I think some of the men is here that was present.
Q Who is here? A Luster Foreman.

LUSTER FOREMAN, being sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give your full name, please? A Luster Foreman.
Q How old are you? A About 58 years old.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this man here, George Irons? A Well I have seen him too I was slightly acquainted with him. I just really don't know him.
Q You know who he is? A I know he is said to be uncle Naro(s son/
Q How long have you known him? A I haven't known him no more than about 12 years; I knowed his daddy:
Q What was the father's name? A Naro Irons.
Q His mother named Rachel? A Yes, sir.
Q This is his second wife , is not it? A I don't know, sir.
Q Did he used to be married to another woman? A I don't know.
Q You told me just now before you started to give your testimony that you used to know him as living with a woman named Winnie?
A Yes, sir; I knew him when he had a wife named Winnie, was said to be hisfamily and when I come to be acquainted with them they was living together as man and wife.

JENANNA IRONS, the Applicant, re-called, testified as follows:

Q Was your father ever married to your mother? A No, sir.
Q She didn't take his name? A No, sir.
Q What name did your mother go by when she was a child? A Vann.
Q Did your mother ever live with your father? A I don't know, sir.
Q Whom did she live with, or did she live with anybody as a wife?
A No, sir, not as I knows of, until she married.
Q Was she married to a man named Vann? A No, sir, Vann was her father.
Q You don't know what name she bore when you were two or three years old? A No, sir.
Q Does she go now by the name of Vann? A No, sir, she is married.
Q By what name does she go now? A She goes by the name of Susie Johnson.
Q Did she ever have any other name except Johnson and Vann?
A Yes, sir; she has been married, Martin and Thompson.
Q Was she known as Martin and also Thompson? A Yes, sir.
Q Was she known as Martin after you were born or before you were born? A Itwas after I was born.
Q She was Martin and then Thompson? A Yes, sir.
Q What was your father's name? A Joe Ross.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's mother identified t hereon, page 284, #1640, as Susie Martin, Delaware District.
The 1896 Census Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 1319, #385, as Jeanna Ross, Tahlequah District.

The 1880 Authenticated Roll examined and the name of applicant's husband and his former wife not found thereon.
The 1896 Census roll of citizens of the Cherokee Nation examined and applicant's husband and the names of his children not found thereon.

JOE ROSS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name there, please? A Joe Ross.
Q How old are you? A I am about 47 years old.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A I have lived in there principally all my life.
Q Born in the Cherokee Nation? A Yes, sir.
Q Out a little while during the war? A Yes, sir.
Q And that about all? A Yes, sir.
Q This woman, Jenanna Irons, is she your daughter? A Yes, sir.
Q Is her mother living? A Yes, sir.
Q What is her mother's name now? A Now, I just can't tell you her name is Susie, but her married name I can't tell you.
Q You and this woman's mother lived together once? A Yes, sir.
Q You were not regularly married? A No, sir.
Q But she did marry after you married her? A Tobe Martin.
Q What name did she go by 20 years ago? A Susie Vann.
Q And after that she went by what name? A Susie Martin.
Q What name did she go by at the time the roll of 1880 was made? A Martin.
Q Well, this woman was born before she lived with Martin? A Yes, sir; she was born in '79.
Q Now, this woman here, Jenanna, when she was a little child; did she go on and live with her mother or did she live with you? A She lived with her mother until she were two years old and after that she was living with me.
Q We don't find her on the roll of 1880; she was living with you very likely at that time; can you account for her not being on that roll? A No, sir, I can't, she was born in '79, and she was bound to be living in Tobe's family in 1880; she was t wo years old when I taken her and she has been living with me ever since.
Q Do you know that she is a child of Susie Martin? A Yes, sir.
Q Did she live in the Cherokee Nation all her life, this woman, Jenanna? A Yes, sir, right in the Cherokee Nation all her life.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of herself, her child and husband and he appears in the course of the testimony and makes application for two children of his first marriage and for a child born out of wedlock to one of the children of his first marriage: The applicant, Jenanna Irons, is not identified on the roll of 1880, but her mother is satisfactorily identified on that roll, and the failure of the applicant to be on that roll appears to arise from no fault of her own, nor from any defect with her status as a Cherokee Freedman. It appears that she was born out of wedlock, but it is held that she derives her rights through her mother who, as stated, is duly identified on the roll of 1880, and it appears that the applicant has lived in the Cherokee Nation all her life. Her change of name arising from marriage is established by the license and certificate filed herewith and she will now be listed for enrollment as a Cherokee Freedman. When she files with the Commission a satisfactory certificate of the birth of her child, Susie, this child also will be listed for enrollment as a Cherokee Freedman.

The husband, George Irons, is not identified on the roll of 1880 or upon that of 1896. No ground is seen at this time that entitles him to enrollment and the application for his enrollment is rejected. He cannot claim under the intermarriage law as his first wife as will be shown possessed no rights, and his present marriage being in 1899, was too late for him to acquire any rights of that character.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

APR 9 1901

FILED

He states that his first wife died in 1892. She is not identified on the roll of 1880 and the two children of that marriage, Martha and Bettie, are not identified on the roll of 1896. There is no ground seen, therefore, for the enrollment of these two children and the application for their enrollment is rejected. As for the child Elsmera Irons, the child of Martha Irons, born out of wedlock, this child can possess only the rights of its mother, and as the mother if not shown to possess any rights the application for the enrollment of this child, Elsmera Nivens, is also rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 9th day of April, 1901.

Commissioner.

V3.

FR 36

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 8 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 8, 1901

Post Office Ft. Gibson, I. T.

District Tahlequah

1. Name George Ross Age 37

Owner's name Citizenship

Year Page No. District

Parents:

Father Wm. Ross Citizenship C

Mother Rachel McNair Citizenship C

2. ~~Name of wife~~ ~~Frances Ross~~ ~~Age 27~~

~~Owners name~~ Citizenship

~~Year 1896~~ Page 319 No. 385 District ~~Tahlequah~~

Parents:

Father ~~Jno. Ross~~ Citizenship ~~Cher. Freed~~ C

Mother ~~Sarah Vann~~ Citizenship " " C

Names of Children:

3. ~~Bertha Ross~~ } Year Page No. Dist. 16

4. Bettie " } Year Page No. Dist. 13

5. ~~Lyona Nivens~~ Year ~~Page~~ No. Dist. 1

6. ~~Frank Ross~~ Year ~~Page~~ No. ~~Dist.~~ inf.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 2 Stenographer J. A. Rossom

~~Mar. Dec. 1896 to Frances Ross~~

X Mg.

SUPPLEMENTAL: R 36

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I T., April 27,1901.

In the matter of the application of George Irons for enrollment as a Cherokee Freedman;
Ned Irons being sworn and examined by Commissioner Needles, he testified as follows;

Q What is your name? A Ned Irons.
Q How old are you? A 45
Q What is your post-office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yessir.

Examined by attorney, W.H.Twine, (colored;)

Q Are you acquainted with George Irons? A Yes sir.
Q How long have you known him? A We was children together; he is younger than I am.
Q Did you know George Irons' father? A Yes sir.
Q What was he? A He was a citizen of the Cherokee Nation.
Q What was he as to being a resident of this Cherokee Nation? A He was a Cherokee Freedman.
Q Where is he living now? A No sir.
Q When did he die? A About '73.
Q You know how many children he was father of when he died? A He was father of a whole lot of them.
Q Was he father of this man George Irons? A Yes sir.
Q You know where George Irons lives now? A Yes sir.
Q How long has he lived there? A Ever since the Clifton court set here, he has been living there where he is living now, in the neighborhood.
Q Did his father die befre the 1880 roll was made? A Yes sir.
Q Do you know who his owners were? A No sir, not personally; only by name.
Q Well you knew who the owners of this man, the father of George Irons, were? A Yes sir, I know the owner of George Irons father.
Q Who was the owner? A Annie Irons.
Q How old is George Irons? A Somewhere near 40 I guess, 37 or 40 somewheres along there.
Q Are you any relation to him? A Yes sir.
Q What A He is my cousin.an uncle of mine.
Q But you are older than he? A Yes sir.
Q You may state whether or not George Irons' father was here in '66? A Yes sir.
Q Did he ever leave the Cherokee Nation? A No sir.
Q He was a slave in this nation and never left during the war? A No sir.

Examined by Cherokee Representative, James S. Davenport;

Q Ned, you say that George's father belonged to Annie Irons before the breaking out of the war? A Yes sir.
Q Where were they living? A Here on Fourteen Mile Creek.
Q How long did they live there after the war broke out? A Annie Irons she died about the close of the war.
Q Where were you living at that time? A I was down there on Sanger's Creek up here.
Q Did you leave the territory during the war? A No sir.
Q Were you living near George's father and he during the war? A Yes sir.
Q How old was he the war broke out? A Little fellow, I dis'remember.
Q Have you lived near by them since the war? A Not lately.
Q Where George's father's family been living since the war? A About Flint's and there near the line of Delaware and Saline District.

George Irons 2 supplemental

Q Over about what is known as the Spavinaw country? A I don't know sir, Vinita was his post-office; between the line of Saline and Delaware.
Q Has he been residing in the Cherokee Nation since the war? A All I can tell is by letters I get from him. I live here at Ft. Gibson and he lives there.
Q You know about what neighborhood he lives in up there, any names of the Cherokee families? A No sir, I am a stranger in that part of the country.

DAVID ALBERTY, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A David Alberty.
Q How old are you? A About 66.
Q What is your post-office address? A Fort Gibson.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Examined by Attorney W.H.Twine.

Q You know George Irons? A Yes sir, I am well acquainted with him.
Q How long have you known him? A I don't know sir exactly how long I have been knowing him.
I have been knowing him ever since he was small.
Q Did you know his father? A Yes sir.
Q What was his citizenship? A He was a Cherokee Freedman.
Q Do you know his father's owners? A Yes sir.
Q Who were they? A Miss Irons.
Q Did you leave the Cherokee Nation during the war of the Rebellion? A Yes sir.
Q You may state, if you know, whether or not George Irons' father lived in the Cherokee Nation during the war? A He told me he didn't leave; I saw him when I come back; he never went nowhere.
Q Then George Irons' father was here when you left during the war and when you returned after the war, was over, he was still here?
Q Yes sir, he was here after the war.

Examined by Cherokee Representative, James S. Davenport:

Q What was George Irons' father named? A Naro Irons.
Q What was his mother's name? A George's mother?
Q Yes sir? A Named Rachel.
Q Where did they live when the war broke out? A On Grand River, or Verdigris I don't know which.
Q Where were you living? A Down below here in Sequoyah.
Q How far apart were you living at that time? A 60 or 70 miles.
Q You know where they went during the war? A No sir, I don't.
Q You didn't see them very often before the war broke out? A No sir.
Q The railroads didn't run back and forth like they do now? A No sir.
Q You don't know where George Irons has been living since the war do you? A Living down here and up on the river there about Lynch I reckon. I never was up in there but once.
Q You have been up there once, when was that? A That was along next year after the cholera.
Q You haven't seen very much of him since the war? A No sir.
Q He was a small boy when then at the time of the war? A Yes sir.
Q Really you don't remember seeing him at all before the war do you? A No sir, I don't remember seeing him.

Examined by Attorney W.H.Twine:

Q What time did you come back in the Cherokee Nation? A In '66.
Q When you came back in '66 was George Irons' father then in the Cherokee Nation? A Yes sir; he was here, right here in Gibson.

George Irons 3 supplemental:

Examined by Cherokee Representative, James R. Davenport;

Q Where was he when you came back? A I met him right here in Gibson, met him right here in Gibson.
Q You now when George Irons' father died? A I don't now exactly the year he died; it has been a good many years; I never kept no record of it.
Q What makes you remember that it was '66 you saw him at Gibson?
A Reason I know, everybody said it was '66, white and black.
Q There's a great many of them didn't get back here in '66 wasn't there? A Well they say so, I know I got back.
Q Who did you come back with? A With the Albertys.
Q When one of the Albertys? A Blue and Jake.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilised Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 27, 1901.

Commissioner.

To be filed in C.F. B- 56.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Ned Lyons for the enrollment of himself, his wife and four children as Cherokee Freedmen.

Ned Lyons, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ned Lyons.
Q How old are you? A 31.
Q What is your postoffice address? A Hayden.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or nation? A No, sir.
Q Did you ever draw any money from any other tribe or Nation? A No, sir.
Q Who do you want to enroll besides yourself? A My wife and family.
Q How much family? A I have got four children.
Q What is the name of your wife? A Nancy Landrum.
Q How old is she? A She is 30 years old, no, 31.
Q Give me the names of your children please? A Delsie.
Q How old is Delsie? A She is 10 years old.
Q The next child? A Jesse Elmer.
Q How old is he? A He is 4 years old.
Q The next child? A Mahaley.
Q How old is Mahaley? A She is 3 years old.
Q The next one? A Katie.
Q How old is Katie? A She is a little over a year.
Q What is your wife's father's name? A John Landrum.
Q Is he living? A Yes, sir.
Q What is your wifes mother's name? A Mary Landrum.
Q Is she living? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880? A No, sir.
Q Does the name of your wife? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A It appears upon the Wallace and Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Ned Lyons not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant Ned Lyons not identified thereon.

The Kerns Clifton roll examined and the applicant Ned Lyons identified thereon, page 116, No. 3878, no district given.

The Wallace roll examined, and the applicant identified thereon, page 160, No. 42, as Ned Lyons; residence, Cherokee Nation.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Nancy Lyons identified thereon, page 131, No. 1690, Coowescoowee District, as Nancy Landrum.

Q Is Nancy Landrum the mother of these children? A She is of all but one, and the oldest one's mother is Magia Landrum, of the same family.
Q Is she living? A No, sir, she is dead.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Mariah Landrum found thereon, page 131, No. 1687, Coowescoowee district.

Q Are John and Mary living, her father and mother? A Yes, sir.
Q Were you married before 1896 to Nancy? A Yes, sir.

The 1896 census roll of Cherokee Freedmen examined, and the applicants identified thereon as follows:

Nancy Lyons on page 402, No. 800, Coowescoowee district, as Nancy Landrum,

Delsie Lyons not on 1896 roll.

The Kerns-Clifton roll examined, and the applicant, Delsie Lyons, identified thereon, page 8, No. 181, Coowescoowee

district, as Delsie Lyons.
Q How long has your wife lived in the Cherokee Nation? A All her days.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q Are these children living? A Yes, sir, all living I have you in, I have got one dead.
By Edgar Smith, attorney for applicant: Who was your father?
A Jeff Ross.
Q Who was your mother? A Mahaley Daniels before she married him.
Q Who owned your father? A Lewis Ross.
Q How old are you? A I am 31 years old.
Q Where do you live? A I live in Cooweescoowee district near Hayden postoffice.
Q How long have you lived in the Cooweescoowee District? A I have lived there about five or six years.
Q Where did you live before you lived in Cooweescoowee district? A Lived on Grand River near Bowling Ferry, where I was born at.
Q How long have you lived in the Cherokee Nation? A I was born here, don't know nowhere else.
Q Have you any property in the Cherokee Nation? A Yes, sir, I have a couple of farms west of here in Cooweescoowee.
Q How long have you had either one of them; how long since you acquired the first one? A Since 1896; I moved from Grand River in 1896 where I lived with my first wife, I lived on my father's place then.
Q You are on the Kerns-Clifton roll? A Yes, sir.
By W. W. Hastings, Cherokee Attorney: Are you on the Wallace roll?
A Yes, sir.

Note opposite name of applicant on Wallace roll: "Though born and raised in Cherokee Nation, no evidence that they are children of Cherokee freedman."

Q Have you always lived in the Cherokee Nation? A Yes, sir, always lived here.
Q Never lived out? A Never lived out.

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Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Allen Lynch.
Q Where do you live? A I live here in Vinita now.
Q Do you know Ned Lyons? A Yes, sir.
Q How long have you known him? A I knowed him ever since he was born.
Q Who was his father? A Jeff Lyons.
Q Did you know his in his life time? A Yes, sir.
Q Do you know whether he was a Cherokee slave or not; slave of a Cherokee? A Yes, sir.
Q To whom did he belong? A Lewis Ross.
Q Was Lewis Ross a citizen of the Cherokee Nation? A Yes, sir, a citizen.
Q Do you know what became of Ross during the war, whether he left the Cherokee Nation or remained here, Jeff Ross? A Jeff Lyons they called him, I don't know.
Q What do you say about Jeff, did he leave or not? A Yes, sir.
Q When did he come back? A He came back just before Christmas in the winter of '65.
Q Did you see him here at that time? A Yes, sir, he lived right in the yard with us.
Q With whom? A With me and Andy Fry and Aaron, four or five families lived there.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Are you on the 1880 roll? A Yes, sir.
Q Recognized by the Cherokee Nation as a citizen? A Yes, sir.
Q Have you ever had anything to do, with this young man Ned Lyons in the Courts of the Cherokee Nation? A Yes, sir.
Q What? A Why, I was appointed as administrator of old man Lyons' estate for these children.
Q You were appointed administrator? A Yes, sir, by Judge Ward.
Q Who was Judge Ward? A Joe Ward.
Q What was he? A He was the judge and he appointed me as administrator over the estate of Jeff Lyon.
Q Of the estate of Jeff Lyon? A Yes, sir.
Q Who was the father of Ned Lyon? A Yes, sir.
Q When was that? A I just can't tell you exactly the year.
Q Did you wind up the estate? A Yes, sir.
Q About how long ago has that been as well as you remember?
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to pursuing this line of investigation any further, because the record in any Court is certainly the best testimony. I allowed a part of it to be gone in, I didn't have any idea it would be gone into at any length.
Commissioner: There is no doubt but what the record is the best testimony, and the testimony cannot be used without it can be established the records are lost or cannot be produced
Q In what Court was this; where did Judge Ward keep his Court?
A Delaware District, east of Grand River.
By Mr. Hastings: Al, you remember everybody that came back in '66? A No, not exactly; no, sir.
Q Your memory is fresh of the 35 years ago, know just the exact time all colored people came to your neighborhood? A No, not the exact time, no, sir.
Q You remember all these years that stand out there? A Well, I can tell you why I remember this.
Q Why is it you remember this? A Well, let me tell you; he came here before Christmas in '66, and in January, '67, he went back to Kansas and got a lot of goods for old Bob Daniels, and old Bob Daniels gave him a twenty dollar gold piece, the first I seen since the war, for going after them goods.
Q Where was Bob Daniels keeping his store? where was he? A He was keeping his family.
Q Where was Bob Daniels living at that time? A At his place, he camedown on his place and got Jeff to go back to Kansas for these goods.
Q Where did Bob come from? A Came from Texas.
Q When did Bob come up there from Texas? A He came up there, if I recollect right, sometime in January.
Q On what year? A In '67.
Q And during that month, you think it was, that Daniels hired Jeff to go back for a load of goods? A About that time he hired Jeff to go.
Q Do you know what that load of goods consisted of? A Yes, sir, it was bacon and flour and Hungarian seed.
Q Take Bob Daniels team? A Took his own team.
Q Lyons own team? A Yes, sir.
Q Did he have his wife with him when he come to your place in '66?
A Had his wife and left her here and I got wood for her when he was gone.
Q Did he live there the year of '67? A Yes, sir, and raised a crop; he put in his corn in June, '67: he didn't get his corn planted till then.
Q On the old Dr. Thompson place? A Yes, sir.
Q How many of you fellows made a crop there on that place? A I wasn't making a crop there at all.
Q How many others of them fellows? A Andy Fry, Jeff Lyons, Moss Hodrick, Tom Moore, and old uncle Butler McNair.

Q How much was in cultivation on that place? A They cleaned up about five or six acres a piece.
Q And all of them was making a crop right there? A Yes, sir.
Q And you swear positively Jeff Lyons was there on Christmas of '66? A To my best recollection he came there before Christmas, I don't know positive.
Q You know they were there on Christmas of '66? A They were there before Christmas, or just about Christmas, and he left from there in January and went back to Kansas.
Q He only made a trip up there and back? A He made two trips, made one trip for Bob Daniels and one trip for himself.
Q With the exception of short trips up there and back he was down in that country from Christmas of 1896 on? A Yes, sir, that is the best of my recollection.
Q You are positive about it? A I am telling you the best I can recollect about it.
Q I want to know if you can remember that is the year of '66 or '67? A The year of '67 to my judgment.
Q Was this child born then? A This Ned, no, sir.
Q Did he have any children at all? A Yes, sir, he had a child Elias, that was a baby, and he had one girl there called Anarchy, and he had this Mike Moore, that is his stepson, and this Anarchy was his stepdaughter, and the boy Elias was a baby.
Q When he came there about Christmas? A When he came there, yes, sir.
Q Did he live in the house with you? A I lived in Dr. Thompson's house and he was living in Dr. Thompson's nigger houses.
Q Some small houses around there, log houses? A No, sir, little brick houses.
Q How far was George Clark living from there at the time? A George Clark lived between four and five miles.
Mr. Smith: Have you the letters of administration issued to you by that Court? A Yes, sir, I think so, I think I have at home.
Q If you can find them will you bring them here tomorrow?
A Yes, sir.

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Andy Fry, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Andy Fry.
Q How old are you? A 66.
Q Where do you live? A I live southeast of Vinita about 12 miles on the Grand River.
Q Are you a Freedman? A Yes, sir.
Q So recognized by the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A I guess I am, I have never looked but then I guess I am on that roll.
Q How long have you lived in the Cherokee Nation? A All my days until I went to Kansas during the war.
Q Do you know Ned Lyons? A Yes, sir.
Q Do you know his brother Elias? A Yes, sir.
Q Do you know his sister Rachel Lyons? A Yes, sir.
Q Who was his father? A Jeff Lyons.
Q Who was their mother? A Their mother was; I most forget her name; I know it as well as I know any woman.
Q You don't remember her just now? A I can't remember her name just now, but I know her just as well as anybody.
Q Did you know Jeff Lyons in his life time? A Yes, sir.
Q Where did he live when the war came up? A He lived with Dr. Ross.
Q Was he a slave of some Cherokee? A Yes, sir.
Q Of who? A He went from Lewis Ross to Dr. Ross and lived with Dr. Ross.

Q Were the Rosses Cherokee citizens? A Yes, sir.
Q Do you know what became of Lyons during the war, whether he went out of the Cherokee Nation or not? A Yes, sir, he went up north.
Q Do you know when he came back? A He came back in '66, the winter of '66.
Q About where did he come to? A He came up on Russell Creek and stopped up there a while and then he came down on Cabin Creek and stayed there a while and he heard of me being over on the other side of the river and he came to the river and hollered over and when I went to the river it was Lyons, a man I had knowed.
Q Was that before or after Christmas, in '66? A It was before Christmas.
Q This boy Ned Lyons, do you know where he was born? A Yes, sir, I know where he was born.
Q Where was he born? A Born there at Dr. Thompson's place.
Q Do you know of your own knowledge where his brother Elias was born? A He was born at Iola, Kansas.
Q Do you know where Rachel was born? A She was born this side of the river, right below Dr. Thompson's place.
Q Was she born before or after the war? A Rachel was born since the war.
Q Was Elias born before or after or during the war? A He was born about during of the war or just about the close of the war.
Q Where have these three children of Lyons been living since you first knew them? A Well, they lived near the river there all the while the old man lived, and one of them moved out west, I think one of them is living over there now, I think maybe a couple of them.
Q In or out of the Cherokee Nation? A No, they have been living in the Cherokee Nation all the time.

By W.W.Hastings: What place on Russell Creek did Jeff Lyons first come to? A He stayed up there this side of Chetopa.
Q Did he live there a while? A Yes, sir, he stayed up there a while in camps.
Q Who with? A In camps up there by himself, just him and his family.
Q You don't know how far from Chetopa? A No, sir, it was there on Russell Creek somewhere, around there towards that old timbered hill somewhere.
Q You don't know how long he stayed there? A I think he told me he stayed up there about three weeks.
Q And he went from there to Cabin Creek? A Yes, sir, and he was there in camps about three weeks.
Q In tents? A Yes, sir, in tents.
Q Anybody live up on Cabin Creek where he was camping? A Wasn't anybody at all there at the time.
Q Came on down to your place then? A Yes, sir.
Q You were on the other side of the river? A Yes, sir.
Q You helped him across? A Yes, sir.
Q Did he make a crop with you the next year, the year of '67? A Yes, sir.
Q Was Jess Cochran living there that year? A Jess Cochran was living there but he moved out on Cabin Creek.
Q George Clark was living down there? A He was living down on the other side of the river somewhere, but I never seen George Clark till '67.
Q How many colored people made crops on that one place that year? A There was me and Jeff and Tom Moore and Butler McNair, and Moses Rodrick.
Q Now you knew Moses Rodrick didn't come there for two years, don't you? A He came there and made a crop there.
Q That year? A He came and made a crop in '67.
Q They had Jeff cited down at Tahlequah to appear before Bob

Daniels Court, didn't they? A I don't know, sir.
Q This same Bob Daniels you heard Allen Lynch testifying about?
A Yes, sir.
Q And Bob Daniels was the Chief Justice of that Court down there?
A Yes, sir.
Q In '71? A Yes, sir.
Q And you know Jeff Lyons and his family were cited down there and Jeff did go down there to Tahlequah in '71? A I don't know whether he did or not.
Q I ask you if he went to Tahlequah? A I don't know whether he did or not; I was living on this side of the river.
Mr. Smith: I object to this testimony without the production of the records.
Q Did he ## go to Tahlequah? A I don't know, sir, I never paid any attention to them Court cases, I was recognized by the Cherokee Nation at that time and never paid no attention to it.
Q You never paid any attention to '71 but you did to '66? A In '66 I was all right myself and I didn't pay no attention to that myself.
Q You were not a witness at Tahlequah in '71? A No, sir, if I had been called on I would have went, but nobody didn't call on me.
Q Do you know any other Jefferson Lyons among the colored people?
A No, sir.
Q You are pretty well acquainted among them? A Yes, sir, I am pretty well acquainted among them.
Q This Bob Daniels that lived out here was the same Bob Daniels, a member of that Court at that time? A Yes, sir.
Mr. Smith: Do you know anything of your own personal knowledge as to whether Jeff Ross' estate was administered on in the Cherokee Courts or not, or Jeff Lyons? A No, sir, I don't know for certain but I heard so, I can't swear it for certain, I heard it was.

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Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A Anderson Lynch.
Q How old are you? A About 64 I think, as near as I knows.
Q What is your post office? A Here at Vinita.
Q Are you sometimes called Crap or Crap Lynch? A Yes, sir.
Q But that is not right, it is Anderson? A Anderson, yes, sir.
Q Do you know Ned Lyons? A Yes, sir.
Q Do you know his sister Rachel? A Yes, sir.
Q Is her name Rachel Lyons, or is she married? A She was named Rachel Lyons when I knew her, she has married a Landrum.
Q Her name is Rachel Landrum then is it? A (No answer.)
Q Do you know Ned Lyons brother Elias? A Yes, sir.
Q Did you know their father? A Yes, sir.
Q Who was their father? A Jeff Lyons.
Q Was he a slave during the war? A Yes, sir.
Q Who did he belong to? A He belonged to Lewis Ross when I knew him.
Q Was Lewis Ross a Cherokee and a citizen of the Nation? A Yes sir.
Q Do you know what became of Jeff Lyons during the war, whether he stayed in the Cherokee Nation or went out? A He went out, went to Kansas.
Q Do you know whether he ever came back or not? A Yes, sir, I saw him back here.
Q When did you first see him back? A It was in - it was along in the fall of '66 as well as I can remember about it, it was along in the winter, I don't know just exactly what time it was.
Q Where have these three children, Ned, Elias and Rachel lived?
A They lived over there just below the Dr. Thompson place, at a farm over there.
Q In the Cherokee Nation? A Yes, sir.

Q Lived there all their lives? A Yes, sir, as was told not long ago I heard of some of them going out west.
Q Where did they go when they went west, as far as Grand River?
A Oh yes, or maybe a little farther, somewhere out on the creeks.
Q Did they still stay in the Cherokee Nation or did they go out?
A Yes, they were in the Cherokee Nation out there.
Q Do you know when Jeff Lyons died? A Yes, sir, I was over there directly after he died, but I don't remember just when.
Q Where did he die? A Right on his place at home.
Q About how many years ago? A I disremember, I never kept track of it.
Q Do you know whether his estate was administered on in the Cherokee Courts or not? A No, sir, I don't know whether he was or not, whether he ever went down there.
Mr. Hastings: Did he die less than 20 years ago, Crap; Jeff Lyons die less than 20 years ago or more than 20 years ago? A I don't think it has been quite that long.
Q You saw him in '66? A Yes, sir, along in the winter of '66.
Q You don't know one year from another, do you? A Yes, I know.
Q What year is this? A This, I don't know just what, I never kept track of the years, but '66 is all I kno.w.
Q You have just been told it was '66 and you stuck to it? A Well, '66 we were all on trial at that time pretty much, in '66 everybody was making back home.
Q You were all tried here before the Kerns-Clifton Commission, everybody? A Well a good many of them.
Q What year was that in? A You are too hard for it, I never kept track of the years.
Q Fact of the business is you never kept track of any of them?
A Not hardly, never paid much attention ot it, went along on my business.
Q Who told you to say '66 here to-day? A Nobody, but I know what '66 was years ago.
Q How many years ago was it? A I disremember, I didn't kept track of it.
Q You can't count? A No, sir, can't count.
Q And don't know anything about the years of the calendar? A Don't know a thing about it.
Q You remember about Jeff Lyons having his case tried down at Tahlequah a few years after the war when Mr. Bob Daniels was on the Court? A I don't know whether he went over there or not.
Q You don't remember about that? A No, sir: seems like to me a lot of them went down there, but I don't know whether he was along there or not.
Q Weren't you over there in the same neighborhood around with him?
A I lived on Lynch's Prairie and they lived back on Dr. Thompson's place.
Q Where did you live in the first year after the war; did you make a farm on this Dr. Thompson place? A No sir, no sir, I lived on the old Lynch place, me and Lon Lynch and Stephen Henry rented from Lon Lynch and uncle Bill Buffington, he lived over there by the Mills on Beatty's Prairie, I expect you knew him.
Mr. Smith: When did you come back, or did you go out during the war? A Yes, sir, I went out.
Q When did you come back? A I can't back along in '65, the winter of '65.
Q What was there about '66 that you are talking about all these being on trial, what do,you mean by that? A Well, there was everybody that was reading the papers out there that we had all better return home, that we had a show to get home, the war was ceased and so on.
Q When were you to get home, or did they read anything to you in the papers about that? A Yes, sir, they said we wanted to return home inside of '66.

Q And that is the reason why you remember '66? A Yes, sir.
Mr. Hastings: That is before you came back when you were up in Kansas that they were reading that to you? A Yes, sir, I first got hearing of it in Kansas.
Q You heard them saying that up there, reading it in the papers, telling you to come back? A Yes, sir, that we all got to return home.
Q That was '66? A No, it wasn't in '66, must have been along in '65 when they were reading it.
Q They were reading it in '65 before you returned, before you had come back in '65? A They just said return back home, the treaty wasn't made then.
Q Then they wasn't reading if it hadn't been made? A They were reading for us to comeback home, that the treaty had ceased.
Q If you came back in a certain time? A Yes, sir, a certain time.
Q That was in '65 before you came back here: you came here in '65? A Yes, sir, along in the winter of '65.
Q Have you ever been up before the Courts for anything? A What courts?
Q Any of them; ever have you arrested? A No, sir.
Q Never did? A Yes, I have been arrested.
Q For what? A I was accused of murder once.
Q Ever arrested for anything else? A No, nothing else.
Q Marshals or officers never had you any other time? A No, sir.

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Mr. Hastings: Mr. Smith, I want to offer in evidence this judgment.
Mr. Smith: (reads same) You can offer it, of course I object to it.
Mr. Hastings: The Representatives of the Cherokee Nation offer in testimony from pages 62 to pages 65 of Minutes of Spedial Court of Commission, Supreme Court, 1871, records of the Cherokee Nation, and on page 62 is found: "Monday morning, June 5, 1871. Court met; Chief Justice R.B.Daniels and Associate Redbird Sixkiller present. There being no cases ready for trial, Court adjourned till nine o'clock to-morrow morning. Tuesday morning, June 6, 1871." On this date, and on page 65 of the same book, appears the following: "Case of Jefferson Lyons and family. The Court decide from evidence they are debarred the rights of Cherokee citizenship under the Nineth Article of the Cherokee Treaty of July, 1866."
Mr. Smith: Counsel for the applicant objects upon the ground that the entry offered is insufficient to show any judgment in any form and for the further reason that the Jefferson Lyons referred to is not in any way identified with the Jefferson Lyons who was the father of the applicant, and for the further reason that the applicant is not in any manner shown even by the said party to have been a party to the proceedings now offered.
Commissioner: I suppose you acknowledge the authenticity of the record.
Mr. Smith: I don't make any question about that.

Commissioner: Ned Lyons applies for the enrollment of himself, his wife Nancy, and four children, Delsie, James E., Mahaley and Katie. He avers that he was married to one Mariah Landrum, now deceased, and that by said marriage he had one child Delsie, and the name of Mariah Landrum is found upon the authenticated roll of 1880, and the name of Delsie is found upon the Kerns-Clifton

roll. He avers that after the death of his wife Mariah he married one Nancy Landrum, his present wife, and her name as Nancy Landrum is found upon the authenticated roll of 1880 and the census roll of 1896, and she is duly identified thereby. Said Ned Lyons and his wife Nancy and his children as enumerated herein are duly identified and make satisfactory proof of residence, consequently Nancy Lyons, wife of the applicant, and their four children as enumerated herein will be listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of the three younger children, it will be necessary to file with the Commission satisfactory proof of their birth.

Said applicant Ned Lyons, will be listed as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. When the Commission arrives at a conclusion in his case, he will be notified of the same by mail. His name is found as stated upon the Kerns-Clifton pay-roll, as well as upon the Wallace roll, and he is duly identified thereby.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 13th of May, 1901.

T. B. Needles,
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

C. L. Rothenberger

Subscribed and sworn to before me this 22nd day of July, 1902.

Notary Public.

To be filed in F. R-36.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 11, 1901.

In the matter of the application of Ned Lyons for enrollment as a Cherokee Freedman.
In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman.
In the matter of the application of Elias Lyons for enrollment as a Cherokee Freedman.

Supplemental Testimony.
Both applicant and the Cherokee Nation present by their attorneys of record.

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith:
Q Whatmis your name? A Allen Lynch.
Q You testfied here yesterday in the case of Ned Lyons, did you? A Yes, sir.
Q You spoke of having acted as administrator on the estate of the father of Ned Lyons, who was Jefferson Lyons; I will ask you to look at that paper (hands witness paper.) A I think this is what you want.
Q Look at this paper (hands witness paper.) A I can't read that writing.
Q Where did you get these papers? A I got some of them from Joe Ward.
Q Who was Joe Ward? A He was the Judge.
Q Judge of what? A Judge of Delaware district, District Judge.
Q In the Cherokee Nation? A Yes, sir, certified I think by Tom Buffington when he was Judge, one of them from the Agent.

Mr. Smith: Now if the Court please, I desire to offer Letters of Administration issued on the first day of October, 1888, by J. L. Ward, Judge of the District Court of the Delaware District of the Cherokee Nation, letters of administration to Allen Lynch as administrator of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony because the same is not duly attested, does not bear the attest or the signature of the Clerk of the District, nor does it have his seal.

Commissioner: It will be filed.

Mr. Smith: Mr. Lynch, was the Jeff Lyons whose estate you testified that you administered, related to Ned Lyons in whose case you testified yesterday? A His father.

Mr. Smith: I desire to offer the report of Allen Lynch as administrator of the estate of Jeff Lyons, which was approved——.

Mr. Hastings: The report will show for itself; don't give the contents in the filing.

Mr. Smith: I just submit it then.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to what purports to be a report, first for the reason that it is not a certified copy of the report; second, that it bears neither attestation or any official seal; third, it is not shown that the witness is the custodian of the official records of the Delaware district; and fourth, it is not shown that the records are list; and lastly, that the record is the best testimony and this does not purport to be a copy of the record.

Mr. Hastings: I don't see how there can be any excuse

for offering that last, because he don't claim to be the custodian of that, and it is just a fly leaf with marking on it.

Mr. Smith: I am not offering all my proof at this time, I will come to that later.

Mr. Hastings: I mean this, and I think that ought not to be allowed filed.

Mr. Smith: I will prove before I get through with it that that report was approved by T. M. Buffington, Judge, in the matter of the administration of the estate of this applicant's father, and it is not a certified copy because it is the original and signed by T. M. Buffington.

Mr. Smith: Now I offer an order of Court in the matter of the administration of Ned Lyons, signed by J. L. Ward, District Judge.

Commissioner: Is there any contention that this man here was the administrator?

Mr. Smith: They objected yesterday on the ground that his statement was not the best evidence of the fact.

Mr. Hastings: Comes now the attorneys for the Cherokee Nation and object to the piece of note paper upon which a few letters are written under day of May 7, 1889, claimed to be an order of Court, first, for the reason that it is not officially attested, there being no seal attached to the same; second, it is not shown that the records are lost or destroyed, and there has been no attempt to show the same in an official way, and third, it is not shown that this witness is the custodian of the official records.

Mr. Smith: Now I desire to offer a decision of the Indian Agent, Leo E. Bennett, located at Union Agency, dated Muskogee, June 13, 1889, in a matter pertaining to the administration of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony for the reason that the letter signed by Leo E. Bennett, United States Indian Agent, has no relevency whatever in the matter in controversy.

Mr. Smith: Do you recollect Mr. Lynch with regard to the report of your expenses which I showed you, as to whether Mr. Buffington signed that; can you state whether he signed it or not, or do you remember?

Mr. Hastings: Objected to by the representatives of the Cherokee Nation for the reason that the record is the best testimony, and it must be first shown that the record is lost or destroyed before outside testimony will be permitted to prove the same.

Mr. Smith: If the Court pleases, this is the record itself; it hasn't been lost because we have it right here.

Commissioner: Well, he ought not to be custodian of the records.

Mr. Smith: Well, there are a great many things during the administration of the Cherokee Courts that I don't understand.

Commissioner: I suppose the records of the Cherokee Court ought to show the appointment of this man as administrator; they objected to the letters from the fact that they were not duly attested. I don't know whether the Cherokee Nation has been in the habit of attesting letters by seal, by a Clerk with a seal as they do in God's country. Well, let the testimony go in for what it is worth.

Mr. Smith: I would like to prove — I suppose I might ask if there is any gentleman here who knows Mr. Tom Buffington's signature. (To Mr. Hastings) You will admit this is T. M. Buffingtons signature; of course you are both familiar with it.

Mr. Hastings: I think it is; that is his name anyway.

Mr. Hastings (to witness): The mother of Ned Lyons and Elias and another sister, who are applicants here, died before 1880, didn't she? A I don't remember whether she did or not.
Q You know she died? A Yes, sir, she died.
Q Jeff Lyons married a citizen a second time, a recognized citizen? A Let me see, I don't remember but he married the last time to that woman, the mother of these children died.
Q You don't know whether his second wife was a recognized citizen; wasn't she? A Yes, sir, I guess so.
Q Did she die before Jeff did, his second wife? A I forget whether he married any more or not; he was a widower when he died.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 14th of May, 1901.

T. B Needles,
Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

D. L. Rothenberger

Subscribed and sworn to before me this 22nd day of July, 1902.

R. A. Rustin

Notary Public.

To be filed in F. R-36.

SUPPLEMENTAL TESTIMONY.

F. -D.#251.
F. D- #253.
F. D-252.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 30th, 1901.

Supplemental testimony in the matter of the enrollment of Ned Lyons, D. #251, Elias Lyons, D. #253, and Rachel Landrum, D. #252, as Cherokee Freedmen:

Appearances:

Mr. Smith, of firm of Mellette & Smith, Attorneys for applicants:

Mr. W. W. Hastings for the Cherokee Nation.

Mr.Hastings: Comes now the Representatives of the Cherokee Nation and offer in testimony a certified copy of the records of the Executive Department of the Cherokee Nation, filed in case of Altha and Oscar Moore, D. #357, showing that Jefferson Lyons presented a petition and was granted a license to marry Lou Eza Buffington by R. T. Carey, Clerk of Delaware District on the 12th day of February, 1879.

Mr. Smith: Applicants object to the introduction of that testimony as not tending to prove any issue in this case, and for the further reason that it is not the best testimony.

Allen Lynch, called as a witness on the part of the Cherokee Nation, sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Your name is Allen Lynch? A Yes, sir.
Q Post office? A Vinita.
Q What district do you live in? A In Delaware.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.
By W W. Hastings:
Q Did you know Jefferson Lyons during his life time? A Yes, sir.
Q He was the father of Elias? A Yes, sir.
Q Ned? A Yes, sir.
Q And Rachel Landrum? A Yes, sir.
Q Now, do you know when the mother of these three children I have just called died? A Well, about, yes, sir.
Q Well, about when? A I don't know whether I could tell you just exactly the time.
Q Well before '79? A (No response.)
Q Who was Jeff Lyon's last wife? A You asked me that question before but I forgot; his last wife was Lou Eza Buffington, but I had forgotten it when you asked me before.
Q And he married her about '79? A Somewheres a ong about there.

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 31st day of May, 1901.

T.B.Needles,
Commissioner.

The undersigned, being duly sworn, states tht as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

D. L. Rothenberger

Subscribed and sworn to before me this 22nd day of July, 1903.

[illegible]

Notary Public.

To be filed in F. B-36.

S U P P L E M E N T A L-T E S T I M O N Y.

(F.- D-#251.)

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 12th, 1901.

Supplemental testimony in the matter of the enrollment of Ned Lyons as a Cherokee Freedman.

G.W.Clark, being called as a witness on the part of the Cherokee Nation and being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

By Mr. Hastings:

Q What is your name? A G. W. Clark.
Q What is your age? A 59 coming birthday.
Q Mr. Clark, you lived in the Cherokee Nation before the war, did you? A Yes, sir, all my life.
Q You went out of the Nation did you during the war? A Oh, I was occasionally in Arkansas, on the Arkansas line.
Q You were in the Army? A Yes, sir in and out of it.
Q In the Northern Army? A Yes, sir.
Q Where were you mustered out? A Mustered out Fort Gibson.
Q Now, where did you live the first year after the war, 1865? A I moved on the river; I lived here, my early days I lived at Tahlequah, Tahlequah district.
Q In '65 where did you live? A The latter part of 1865; I went back there after I was married; I was married in Saline District, on Grand River, on the 8th day of June, and I moved up here and located on the west side of Grand River.
Q And where did you live in '66? A I made a crop there in '66.
Q Where did you live in '67? A In '67 I moved up the river from there; I moved there in the fall of '65 and left that place in the fall of '66.
Q Did you know a colored man who went by the name of Jeff Lyons or Jeff Ross? A Yes, sir.
Q Did he have a son by the name of Ned? A Yes, sir.
Q And another one by the name of Elias? A Yes, sir.
Q When did you first see him after the war? A '68.
Q How far did he stay from you? A He stayed about two miles, two or three miles down on the river, about three miles.
Q Did you know him well? A Yes, sir, well acquainted with old Jeff.
Q Did you ever hire him? A Yes, sir, stacked wheat for me for years.
Q You knew when he came back then? A He came back in the spring of '68, because he stacked wheat for me that year, and he was talking about coming back.
Q You lived there for years afterwards? A Yes, sir.
Q You knew him well? A Yes, sir.
Q He is dead now I believe isn't he? A Yes, sir.

By Mr. Smith:

Q About how old is Ned, about, now? A Well, I don't know, he ought to be a young man now, pretty good sized, he was boy like then.
Q Well, how big a boy was he in '68? A Well they was a small chunk of a boy; I have been to his place, near there a many of a time and got him to work.
Q Which is the older Ned or Elias? A I don't know; I don't know as I know Elias.
Q Did he have any girls? A I think he had.

Q How many? A I disremember, I know he had one; I don't know how many children he did have.
Q Well, can't you remember, you knew the family, how many members there were; can't you remember how many girls and boys there were?
A I think there were four or five children.
Q You think there were more than this three? A Yes, sir.
Q You are not certain about that? A No, sir, I am not certain how many his family got to be.
Q He lived close to you and worked for you; what is the reason you can't remember about how many he had? A I never mixed up with them; I just come to hire Jeff I never went there and mixed up with them; just like you do at my place I never noticed.
Q All you say about this is you can't tell which one is the biggest?
A I don't know whether I could or not.
Q Can't you think which is the oldest Ned or Eliza? A No, sir, I don't believe I could, that is long off.
Q Well, you know all about exactly what you did? A Not everything I do.
Q I am not going to ask you now about what you do; you keep up with your moves, you know the dates that you made them and all about them afterwards? A No, sir, I don't know the exact dates.
Q With regard to your own business; you know about in regard to other people's; you don't remember that far back? A No, sir,
Q It is right hard to remember what other people were doing 35 or 36 years ago? A Yes, sir, it is a pretty long swear anyway; but I remember this old gentleman as much as anything else; me and him trafficed together; he brought a good mule with him down there and I swapped him a cow and kinda swindled him.
Q How much do you think you got away with him on that? A I don't know.
Q Well, now, Judge, if anything you may have heard about Jeff Lyons coming back after the war; you don't know when he came back?
A Yes, sir, I know he come back to the neighborhood and he said.
Q Well, outside of what he said, you don't know when he came back to the Cherokee Nation? A No, sir.
Q You saw him first in 1868? A Yes, sir.
Q You can't say of your own personal knowledge how long Jefferson Lyons had been back in the Cherokee Nation at the time you saw him in '68 can you? A I don't know exactly how to answer that.
Q You know what your personal knowledge is confined to? A Well it is just like you, Mr. Smith, I know when you came to Vinita, if you lived anywhere around Vinita, before that, I don't know.
By Mr. Hastings:
Q Now, Mr. Clark, I was going to ask you if you were telling the members of his family, while he lived there at his place? A What?
Q You were asked about the members of Jeff Lyons' family while he was living there? A Yes, sir.
Q You remember how many of them were born before they come down there and remember how many were born afterwards? A No, sir.
Q You don't remember how many he had when become there?
A No, sir, I dont'.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this 26th day of June, 1901.

T. B. Needles,

Commissioner.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

D. L. Rothenberger

Subscribed and sworn to before me this 22nd day of July, 1902.

Notary Public.

(C O P Y)

File with Alexander Irons, C.F.D.-181
" " George Irons, et al. C.F. R.-36

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I.T., October 1st., 1901.

SUPPLEMENTAL TESTIMONY in the case of William Lane, C.F.D. #395.

W.W. Hastings, Attorney for Cherokee Nation,
A. S. McRea, attorney for the applicants.

M. W. COUCH, being called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name ? A M. W. Couch
Q How old are you? A 59
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation? A Since July '68.
Q You are here to give testimony, I believe, in Cherokee freedman case, of William Lane? A I don't know, I reckon Jerry Lane is the one I know about.
Q Do you understand that Jerry was the father of William? A No sir
(BY MR. HASTINGS)
Q Where did you come from when you come to the Cherokee Nation in '68? A Texas,
Q Do you know a colored man named Jerry Lane? A Yes sir.

Q Did you know his wife Rachel? A Yes,sir
Q Where did you first know them? A Here in this country in '59 I knew her and I knowed Jerry Lane in Texas in about '68 I got acquainted with him.
Q Do you know when Jerry Lane come to the Cherokee Nation after the war? A Yes sir, come in '68.
Q Who did he come with? A With my brother Sam and myself.
Q How long had you known Jerry Lane immediately before you left Texas in '68? A Some time, a year probably.
Q What was he doing there? A Farming there and driving teams in '67 and '8 for brother Sam.
Q Was Rube Couch living with you then, did he come along with you ?
A Yes sir--- these are not Lane's children they are Irons children.
(BY. A.S. McRea)
Q I will ask you to repeat when was the first time you formed the acquaintance of Rachel Lane? A In '59.
Q Where? A On Fourteen Mile Creek
Q In the Cherokee Nation? A Yes,sir.
Q Did she then bear the name of Rachel Lane? A No sir
Q What was it? A Couch.
Q Was Jerry Lane her husband in '59? A No sir.
Q Who was? A I dont know, suppose it was Irons.
Q Do you know? A N't exactly.
Q Do you know how many her family consisted of in '59? A I think only a boy.
Q Do you remember the name sir? A One named George and the other one Dode.
Q Did you yourself go out of the Cherokee Nation during the war?
A Yes,sir
Q Where did you go to? A Texas
Q Did Rachel Lane accompany you to Texas? A No sir.
Q Where did you leave her? A On Fourteen Mile Creek
Q In the Cherokee Nation? A Yes sir.
Q Now when did you see her in Texas? A I saw her in 63, perhaps in '62.
Q Did you see her there from '63 to '68? A Yes,sir
Q Well was she still the wife of Irons? A I think in '67 or '8 she married Lane in Texas.

Q How how long did you remain in Texas? A Left there in April of '68
Q Did you leave them there? A No, brought them back here with us
Q How many did her family consist of then? A Two boys.
Q Same two that she carried with her? A No, she carried only one with her and had one there after she got there.
Q How did you come from Texas here? A In wagons and drove cattle.
Q Did any one else come with you besides Lane and his family?
A Yes sir, quite a number of colored folks, Cherokees and whites.
Q You are positive that that was in 1868? A Yes,sir.
Q Did I understand you to state that Jerry Lane married her in Texas
A Yes sir that is my understanding.
Q Do you know that of your own knowledge? A I didn't see them married, he claimed her as his wife coming on the road.
Q Who did Rachel Lane belong to before the war? A Mrs/ Eliza Wright
Q Do you know that to be a positive fact of your own knowledge?
A I can't tell w except what I heard.
Q You saw her in Texas in '63? A Yes,sir.
Q When did she go to Texas? A From '59 to '63 some time, 62 I expect.
Q How did she get there, by what rout of travel? A Brother Sam took them there in a wagon.
Q He is a brother of yours? A Yes.
Q Did he ever return to the Cherokee nation himself? A In '68.
Q Same time you did? A Yes,sir.
Q To what point in the Cherokee Nation did you come to?
A Pryor Creek, about eight miles from where Chelsea stands now.
Q Did you know all the slaves of Mrs. Eliza Wright? A No sir.
Q But you knew this particular one? A Yes,sir she gave her to brother Sam's wife.
Q Was she the only slave that was given to her? A I think so.
Q Were any of them given to you? A No.

(BY W.W.HASTINGS)

Q Did Rachel Lane have some older children by a former husband named Irons? A Yes,sir, two boys.
Q What were their names? A ? George and Dode.
Q Do you know if she had one by the name of Alex? A That was the one they called Dode.
Q Which was the elder? A I don't remember.
Q Do you know about how old they were when the war come up?
A In '68 they looked like they was seven and nine; good big boys; I noticed them more as we rode back.
Q These boys come back when you and your brother Sam and their mother come back? A Yes,sir.
Q How many children had she when she came back? A Two is all I remember of, and I remember them by their coming back.
Q What were their sur named? A Irons or Couch-- I called them George and Dode.

(By McRea)

Q What month in '68 did you leave Texas? A July the 3rd we landed on Judge Clark's old place.
Q Did you know her son William Lane? A I don't remember him.
Q On July 3d 1868 Rachel Lane moved here, the same time you did?
A Yes,sir.
Q You swear that positively? A Yes,sir.

(By the Commission)

Q You knew this woman Rachel Lane before the war? A Yes sir
Q When did her husband Irons die, or when did she leave him?
A I don't know.
Q When did you first know her as Rachel Lane? A In '67 or 8
Q In Texas? A Yes,sir.
Q You dont know how long she had been known as Rachel Lane?
A No sir.

M. M. COUCH, being called and sworn by Commissioner C. R. Breckinridge, testified as follows: (for the Nation)

By Mr. Hastings: What is your name? A M. M. Couch.
Q What is your post office? A Newata.
Q How old are you? A 43 years old.
Q Were you in the Cherokee Nation during the war? A No sir, left it at the breaking out of the war .
Q When did you come back to the Cherokee Nation? A In '68.
Q Do you know a colored man by the name of Jerry Lane? A Yes,sir
Q Did she have any children when she returned with you in '68?
A Yes sir, two boys, Alex and George.
Q What other name did they go by? A We called them Couch, they belonged to my mother and after we came back they went by Jerry Lane's name.
Q These were Rachel's boys? A Yes,sir.
Q One was named Alex and one George? A Yes,sir.
Q How long had you known Rachel and these two boys immediately before you left Texas in '68? A We took them from here and went to Texas and brought them back; she was the nurse and cook all the time.
Q Where did she get with this man Lane? A In Texas.
Q He was a State raised man was he? A Yes,sir
(By McREA)
Q How old are you? A 43 the 15th day of this February.
Q Have you a very distinct recollection of happenings before the war
A No sir.
Q Then all- - then of your own knowledge you don't know much about this woman Rachel Lane before the war? A No sir.
Q Your acquaintance with her has been since the war? A My understanding was that my folks took her to Texas.
Q Do you know it of your own knowledge? A No sir.
Q Where s was she the first time that you recollect meeting her?
A In Texas at our house.
Q What year was that? A I dont know.
Q Did you ever see her in the Cherokee nation after that?
A When we brought her back.
Q When was that? A In '68.
Q What time in '68? A July.
Q How many colored people came along besides the Lane family?
A That is all I know anything about, this Jerry Lane and these two boys and Rachel .
Q Was Rachel Lane one of the slaves of your family that went to Texas? A Yes,sir.
Q Was she the only one that went with you there? A No sir, there was Alias and Alex, they went with us.
Q Did they return? A No,sir, that is not when she came with us, they came after that.
Q State, so far as you know, how many other persons came back with you and what nationality they were? A We brought a herd of cattle and there was several hands; man named Morris and my uncle Jim Couch.
Q Colored or white? A White, Couch was white and then there was Tobe Spen and Sam Wimberly.
Q These all whites? A Yes,sir.
Q Did you have any wagons? A Yes,sir.
Q How many? A Two.
Q Did Rachel Lane fill any particular position on this journey?
A Cook
Q What did Jerry do? A Fetched wood and water.
Q Did he help drive the cattle? A No sir there w s plenty of hands without Jerry.

Q You say you landed at Pryor Creek? A Yes sir.
Q Where did Rachel Lane go then? A On Grand River.
Q Did you ever see her after your return here? A Yes,sir
Q Did she live with your folks in Texas? A Yes sir, all the time
Q Did Lane have any other wife besides Rachel? A I don't know.
Q You never knew him until you went to Texas did you? A No sir just about the time he and Rachel married.
Q I don't recollect just when they did marry.
Q Now, Mr. Couch, what is it that fixed it so indelibly in your mind that you returned in '68? A We came through with cattle and was on the road a good while.
Q Did you at that age have any knowledge of years dates and months? A No sir I didn't keep much count.
Q Then your knowledge of it being '68 was what you heard? A Yes sir what my folks told me.
Q Just what you heard? A Yes,sir.

(By the Commission)

Q You was with this woman Rachel Lane when she come back and she then brought two children, George and Alex? A Yes sir.
Q And she afterwards took the name of Lane? A Yes sir I under? stand that she did after she moved up on Grand river, then the boys went by the name of Lane.
Q But they were children of hers by a former husband? A Yes,sir
Q About how old were these children Alex and George in '68?
A Alex must be 40
Q How old were they inm '68? A About ten years old and George was about eight I judge. One went by the name of George and Alex was called Dode as a nick name
Q When you knew Rachel in Texas, was she a slave of your mother?
A Yes sir.
Q And she came back here as a returning ex-slave? A Yes,sir.
Q I* your mother dead? A Yes,sir
Q How long has she been dead? A About 25 years
Q Was your mother a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Have you been listed by us for enrollment as a Cherokee?
A Yes sir .
Q Have you been listed on a straight card or a doubtful card?
A On a straight card

(By McRea)

Q You came back in '68 and then you were re-admitted to be enrolled on a straight card now? A I suppose so, never was any dispute about our rights.

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This testimony will be filed as supplemental in Cherokee Freedmen D-395, 161, 397, 399, 400, and 1086

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Chas von Weise, being duly sworn, states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 2nd of October, 1901

(Signed) T. B. Needles
Commissioner

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full true and correct copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 26th day of October, 1904.

Notary Public.

(C O P Y)

To be filed with Nos. R-36, D-1328,
D-251-D-252, D-253 and D-357.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 5, 1902.

SUPPLEMENTAL TESTIMONY on behalf of the Cherokee Nation in the matter of the application of MOSES HARDRICK for enrollment as a Cherokee Freedman. D-314.

APPEARANCES:
Louis T. Brown for applicant:
W. W. Hastings for Cherokee Nation.

NELSON MOORE, being sworn and examined, testified as follows:

BY HASTINGS:

Q What is your name? A Nelson Moore
Q Are you a colored citizen of the Cherokee Nation? A Y°s,sir
Q Your name on the 1880 roll? A Yes,sir.
Q What is your age? A Forty-eight.
Q Where do you live? A In Delaware district.
Q What is your postoffice? A Ketchum.
Q Who did you belong to before the war? A Mowie Butler and Darkey Butler, that w-s his wife, full-bloods.
Q Did you go out of here during the war? A Yes,sir.
Q When did you come back, Nelse? A Fall of '65.
Q Where did you come to? A To the first place we come to the old Doctor Thompson , Johnson Thompson place, and then from there to the Bob Daniels place.
Q Now when did you move to the Bob Daniels place? A Right that same fall, to the Bob Daniels place
Q In the fall of '65? A Fall of '65.
Q Where did you live in the year of '66? A We lived on the same place, Bob Daniels place.
Q How long did you live there? A We stayed there until the winter of '67.
Q You know a colored man that used to live in that neighborhood by the name of Moses Hardrick? A Yes,sir.
Q Did you see Moses Hardrick in the year of '65? A No,sir
Q Did you see him in the year of '66? A No,sir.
Q When, if you know, did Moses Hardrick return to the Cherokee Nation after the war? A Well the first time I saw him was in the spring of '67.
Q About what time in the spring? A Well it was along about April or May, as well as I can remember.
Q You know where he come from? A Well he said he come from Kansas. I don't know just what part.
Q You know who he came with? A Yes,sir.
Q Well, tell us? A Andy Frye and Uncle Tobe Schrimsher and old uncle Peter Williams and Mank Reno, he is dead now though.
Q Had Andy Frye been down here before? A No sir, not that I know of, no sir.
Q You never saw him there then until in the spring of '67?
A Spring of '67 is the first time I ever saw him.

BY KNOWN:

Q Mr. Moore, you know Millie Frye? A Yes,sir.
Q Do you know whom Millie Frye and Andy Frye married? A No sir I don't.

Q About when? A I don't know at all, I couldn't tell you.
Q Were they married when war come up? A I couldn't tell you that, I never saw them until after they come there.
Q You never knew her until after the war? A Not until she moved there in the fall of '65 or '66.
Q Well now you say Andy Frye returned in '67? A '66.
Q You said '67 awhile ago? A 66, if I said '67 it is a mistake
Q '66 is when they returned; you say Mose Hardrick returned with him? A No,sir he didn't come with Andy.
Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schrimsher returned to the Cherokee Nation with Mose Hardrick? A No,sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.
Q Andy is on the 1880 Roll? A Yes,sir.
Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.
Q About how many weeks was that after Andy come until Mose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.
Q Well about how many weeks would you think? A I don't know.
Q How many months? A Oh it would be to the best of my recollection it would be about 3 or 4 or 5 or 6 months, I wouldn't say positively because I don't know exactly.
Q How did you fix the month in which Mose Hardrick returned to the Cherokee Nation? A How did I fix it?
Q Yes,sir? A I don't understand what you mean by that.
Q You said he returned in April or May? A I said as well as I remember it was April or May; it was after grass was up.
Q You remember the grass being up? A Yes,sir.
Q How does the fact that the grass was up connect with in your mind with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle Reuben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
Q To a census taker? A Yes,sir, to a census taker; that was in '67. Q What month was that? A That was about June or July as well as I remember.
Q They took a census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did
Q Who returned to the Cherokee Nation with Mose Hardrick?
A Old man Jeff and my uncle.
Q What is his name? A Tom Moore, and Uncle Butler McNair as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place
Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes,sir.
Q Is he the Thomas Moore that lived up there now? A No, that is my brother.
Q The Thomas M. Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.
Q Were you a witness in this case before the Kern-Clifton Commission? A No,sir
Q Were you a witness in this case before John W. Wallace when the Wallace Roll was made? A No, sir.
Q You knew the same folks then that you know now didn't you?
A Yes,sir.
Q In what year was the Wallace payment? A Wallace payment, it seems to me like it was in, I declare that's kinder slipped my mind, it was '94 though I think; I forget just what year that was
Q Your best judgment is it was '94? A I don't say positively
Q How old is your oldest child Mr. Moore? A How old is my oldest child; my oldest child is about 26 years old I think.
Q In what year was it born? A What year was she born?

Q Yes, sir? A Born in '73 or '4
Q About 26 years old now? A I think she is; she aint quite 26; she will be 26 her birthday.
Q You don't know much about dates do you, Mr. Moore? A I don't know just to come down to dates; of course I have to kind of think over the time a little but I never keep no dates.
Q After you think you don't know much more about it then do you?
MR. HASTINGS: Don't answer that; I object to it; it is irrelevent and immaterial and nonsensical
BY COMMISSION: Objection is sustained
BY HASTINGS:

Q Now Nelse, in answer to a question awhile ago from me you stated that Andy Frye come down with Mose Hardrick in the spring of '67? Did you intend to say that? A No sir, I didn't intend to say it, Andy Frye and uncle Tobe Schrimsher and uncle Peter Williams and them come down in the spring of '66, but Mose Hardrick didn't come with them; I didn't intend to say that, because I know that w sn't so.
Q Who did you intend to say Mose Hardrick come with? A Uncle Tom and Uncle Butler and Uncle Jeff Lyons.
BY BROWN:
Q You testified in the Ned Lyons case didn't you? A Ned Lyons?
Q Yes,sir, you know Ned Lyons? A I know him, but I never did testify in it.
Q Didn't you testify in his case in which you testified to the return of old man Lyons? A No I didn't.
Q You swear that positively? A Yes,sir, if I did I don't know when it was.
Q Why did you mention the time that Andy Frye and Peter Williams returned to the Cherokee Nation? A I was asked that.
Q By whom? A Didn't you ask me that?
Q In your direct examination, when Mr. Hastings asked you who returned to the Cherokee Nation, with Mose Hardrick, why did you mention the name of Andy Frye and Peter Williams? A Because he asked me when did he come.
Q Why did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question.
Q That's why you stated it ? A Time they come.
Q That's the time they come; all right, that's all.
BY MR. HASTINGS:
Cherokee Nation offers in evidence a part of the record from a docket of the doubtful cases of citizens tried in the Cherokee Nation in 1871, which shows the following:
" Mose Hardrick and family, too late, decided against defendant June 6, 1871."
The same being taken from a page at the top of which appears the following :
"Delaware,
Colored Doubtful Roll."
Said book being labeled,
"Docket of Doubtful Cases, Cherokee Citizenship, tried in 1871 ."
On the fly leaf of said book appears the following,
"Docket of applicants Cherokee Citizenship, 1871,
Honorable Chief Justice R.B.Daniel, W. H. Turner, Clerk."
By BROWN:
Objected to, for the reason that the page upon which it occurs has the head line "Doubtful roll of Colored People" and for the further reason that it is incompetent and for the further reason that the Cherokee Nation has not shown that the applicant was present at the sitting.
BY COMMISSION: Objection will be duly noted.
BY HASTINGS:
The Cherokee Nation offers in evidence the following

from page 35 of Records of the Cherokee Nation entitled "Docket of the Chambers Commission on Citizenship:"
"Moses Mardrisk appl'd 3rd Jany. '78: set for 10 July continued 24 July."
A marginal note in red ink at the side of this entry is as follows:
" Decree adverse to claimant."
BY BROWN: This is objected to on the grounds that while this record shows that the case was set for the 10th of July and continued until the 24th of July, it does not show that this application was ever heard; and for the further reason that the Cherokee Nation has not proven that the applicant Moses Mardrisk in this case ever applied to the Cherokee Court for admission to citizenship.
BY COMMISSION: Objection will be duly noted.
BY HASTINGS: I reckon there is no contention that these records are part of the records of the Cherokee Nation.
BY BROWN: Oh no.

BY COMMISSION: This testimony will be filed and made a part of the record in the case at bar, and the following Freedmen Doubtful cases: 301, 351, 372, 320, 321 and 172.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this February 6th, 1902
(Signed) T. B. Needles
Commissioner

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 16 day of October, 1904.

Charles H. Lavy
Notary Public.

To be filed in F. R-36.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Ned Lyons for the enrollment of himself as a Cherokee freedman. F. D-251.

Appearances:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

Mr. Hastings: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of 1871, as it appears of record in the book entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," and found on one of the pages thereof, the same being numbered 7, at the top of the page is found Delaware colored doubtful roll, as follows:

"Jefferson Lyons, Too late, and family.
Decided against defendants June 8, 1871."

Mr. Smith: The applicants object to the introduction of the above evidence for the reasons, first, that the same is incompetent, immaterial, irrelevant, and does not tend to prove any issue in this case; second, that the entry offered or alleged decisio is insufficient in law to prove or tend to prove that any decision was ever rendered; third, because there is no proof that the Jefferson Lyons mentioned in said entry was in any way connected with the applicants herein, because said applicants were not the parties if there was any decision; and fourth, because it is incompetent to prove any entry of any record of the Cherokee Nation in the manner and form herein.

Mr. Hastings: The Cherokee Nation offers this judgment for the purpose of showing that there was a free and full and fair investigation within five years after '66, when all the witnesses were alive who knew the time that these colored people returned to the Cherokee Nation, and the decision then by the Supreme Court of the Cherokee Nation was rendered against them, which should be binding upon this Commission.

Mr. Smith: The applicant moves to strike the last remarks of counsel from the record, being incompetent, immaterial and irrelevant.

Commission: This testimony will be filed in the following freedmen cases: Rachal Landrum, D-252; Elias Lyons, D-253, and in the case of Ned Lyons, D-251. It appears from the records of the Commission that the above named applicants are all represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

(SEAL)

P. G. Hunter,
Notary Public.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing and that the same is a true and correct copy of the original transcript.

D. A. Nicholson

Subscribed and sworn to before me this 22nd day of July, 1902.

D. Reeder

Notary Public.

Chero.Freed.R-36.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of George Irons for the enrollment of himself and children as Cherokee freedmen.

Testimony in behalf of applicants.

Applicants appear by Lewis T. Brown; Cherokee Nation by W.W. Hastings.

Zebedee Downing, being sworn and examined, testified as follows:
By Lewis T. Brown: State yourname? A Zebedee Downing.
Q How old are you? A I am about 48 or 49 years old.
Q What is your postoffice address? A Ketchum.
Q Do you knowthe applicant, George Irons? A Yes sir.
Q What was his first wife's name? A Winnie Lyons.
Q Do you not know whether Winnie Lyons and George Irons were ever married? A Yes sir, they were married.
Q During their marriage did they have any children? A Yes sir, they had two.
Q Has Winnie Irons who was formerly Winnie Lyons any brothers and sisters? A Yes sir.
Q What are their names? A Rachel, and Ned Lyons and Elias Lyons.
Q What was the name of the father of WinnieLyons? A Jefferson Lyons.

Attorney for applicant: I want a copy of the testimony taken in the matter of the application of Ned Lyons made a part of the testimony in this case.

Commission: Request of the attorney for the applicant will be complied with and the testimony filed and made a part of the record in this case.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. B. Rothenburger

Subscribed and sworn to before me this 19th day of June, 1902.

Notary Public.

Cherokee Freedmen D-36.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Irons and others as Cherokee Freedmen.

O R D E R.

It is ordered that copies of the testimony taken at Vinita, Indian Territory, October 1, 1901, in the application of William Lane for enrollment as a Cherokee Freedman, Case No. D-385, be filed with, and made a part of the record in the application of George Irons and others, for enrollment as Cherokee Freedmen, Case No. D-36.

T. B. Needles.
Commissioner

Muskogee, Indian Territory,
OCT 20 1904

Cherokee Freedmen R-36.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Irons and others as Cherokee Freedmen.

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O R D E R.

It is ordered that copies of the testimony taken at Vinita, Indian Territory, October 1, 1901, in the application of William Lane for enrollment as a Cherokee Freedman, Case No. D-395, be filed with, and made a part of the record in the application of George Irons and others, for enrollment as Cherokee Freedmen, Case No. R-36.

Commissioner

Muskogee, Indian Territory,

NOV 11 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 1, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of George Irons et al., as Cherokee freedmen.

It appears that on January 11, 1905, the applicant, his attorney, and the attorneys for the Cherokee Nation were notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, and introduce testimony touching the points mentioned in said letter, on January 30, 1905, but said case was not reached until February 1, 1905.

APPEARANCES:

Applicant is represented by Harrison Nivens.
Cherokee Nation by W. W. Hastings.

HARRISON NIVENS, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Harrison Nivens.
Q What is your post office address? A Fort Gibson.
Q How old are you? A I am 26 now was 26 in December.
Q Are you acquainted with Bertha Irons? A Yes sir.
Q She is the daughter of George Irons? A Yes sir.
Q Has she any children? A Yes sir she has a child.
Q What is its name? A They call it Elnora Nivens.
Q Is Bertha Irons the mother of that child? A Yes sir.
Q Do you know who is the father of Elnora Nivens? A No sir.
Q You don't know who? A No sir.
Q Did you ever have a talk with her relative to this child? A Me.
Q You? A If I ever had a talk with her?
Q The mother of Elnora Nivens? A Yes sir.
Q Who does she say is the father of this child? A She says it was me.
Q How long have you known Bertha? A They stayed there I believe about two years, I guess as near as I can come at it.
Q How long ago was it when you got acquainted with Bertha, the mother of Elnora Nivens? A How long ago was it?
Q Yes, when did you first get acquainted with her? A I got acquainted with her after she moved in my neighborhood.
Q Well how many years ago has that been? A I couldn't say exactly.
Q What is your judgment on that, 4 or 5 years ago, 3 or 4, has it been as much as 2 years? A I reckon now I come there and I guess it is.
Q Is Elnora Nivens living? A No sir she is dead.
Q Do you know when Elnora was born? A NO sir.
Q Do you know about when she was born? A No sir.
Q How long had you known Bertha Irons prior to the birth of this child Elnora? A How long had I known her.
Q Yes, before this child was born? A I guess about two years, I reckon as near as I can come to it.
Q Did you ever come with her? A No sir.
Q You went with her did you? A No sir never did go with her.

Q Never went with her at all? A No sir.
Q Never went with her? A I was where she stayed.
Q You didn't go to see her? A No sir.
Q Do you mean to tell the Commission you never was with this girl?
A I says I went where she lived but I never was in her company to take a walk with her.
Q Never went to see her? A No sir I went to the place where she lived.
Q Did you go to see her? A No sir.
Q This child, according to your statement, couldn't have possibly been yours? A No sir I never claimed it for mine.
Q How far did she live from you about the time this child was born and prior thereto? A I don't know it never has been measured, I couldn't tell you exactly how far it was.
Q I don't want you to tell me exactly just give me an idea Harrison?
A When the child was born.
Q Yes, how far did they live from you about the time or prior to the birth of this child? A About a mile and a half.
Q She had you arrested on this charge did she? A Yes sir.
Q What was the result of the trial, what was done? A It was thrown out.
Q Did you ever tell anybody this was your child? A No sir.
Q You denied it then being your child, did you? A Yes sir.
Q Did you ever have sexual intarcourse with this girl about nine months prior to the birth of this child? A No sir.

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George H. Lessley, being first d ly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley.

Subscribed and sworn to before me this 2nd day of February, 1905.

W. S. Hawkins,
Notary Public.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he copied the above and foregoing and that the same is a true and correct copy of the original thereof.

George H. Lessley

Subscribed and sworn to before me this 6th day of March, 1905.

Notary Public.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

a.T.M.

In the matter of the application for the enrollment of George Irons, et al., as Cherokee Freedmen, consolidating the applications of:

George Irons et al.,	Cherokee Freedmen	D	36,
Bettie Mayes	" " "	D	67,
Richard Nero(or Irons) et al,	" " "	D	1328,
Ned Lyons	" " "	D	251,
Rachel Landrum	" " "	D	252,
Elias Lyons, et al.	" " "	D	253,
Altha Moore et al.,	" " "	D	367,
George W. Lynch, et al	" " "	D	731.

-1-

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennanna Irons for, among others, her husband, George Irons, stepchildren, Bertha and Bettie Irons, and stepgrandchild, Eleanora Nivens; by Bettie Mayes for herself; by Ernest Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for, among others, himself; by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of M. W. and M. M. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 398, and of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 314, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons), are all children of one Nero Irons, deceased; that the said applicants, George Irons and Bettie Mayes, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Richard and Mollie Nero (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 2175 and 2238, respectively, and have selected and accepted their allotments of lands in said Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents; that the said Winnie Irons, deceased, was born since 1880, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicant, Eleners Nivens, is an illegitimate child of the applicant, Bertha Irons, and after ample opportunity having been afforded it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents. The minor applicant, Nelson J. Lyons, is a child of the applicant, Elias Lyons, and one Martha Lyons, was born since 1880, and possesses no rights to enrollment other than as their descendant. In Cherokee freedman case No. R. 363, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, and on May 25, 1904 (Departmental letter I.T.D. 4226-04), its finding was approved by the Department.

The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto (he returned with his stepfather and mother, the said Jeff and Mahala Lyons), within the time specified in said above mentioned Whitmire decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Rosetta and Mina Lynch , are the children of the applicant, George W. Lynch, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedman case No. D 181, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 23, 1904 (Departmental letter I.T.D. 6390-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and Mike Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Hardrick. In Cherokee freedman case No. D 314, the Commission has heretofore found that the said Moses Hardrick did not, after the close of the rebellion, return to the Cherokee nation within the time specified in said Whitmire decree, and on October 13, 1904 (Departmental letter I.T.D. 6968-04), said finding was approved by the Department.

In connection with above findings attention is called to the testimony of the applicant, George W. Lynch, taken June 13, 1901, at Chelsea, Indian Territory, when, to the question--"Where were you in 1866?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return. More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered-- "I didn't see her at that time,.....I heard they (his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McNair, testified that he saw the applicant in the Cherokee Nation in the years 1865, 1866, and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January , 1867, and did not return to said Nation until sometime during the year 1873.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irons, Bertha Irons, Bettie Irons, Eleanora Nivens, Bettie Mayes, Richard Nore (or Irons), Mollie Nore (or Irons), Ned Lyons, Rachel Landrum, Elias Lyons, Nelson J. Lyons, Altha Moore, Oscar Moore, George W. Lynch, Rosetta Lynch and Eliza Lynch, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge

Commissioner

Dated at Muskogee, Indian Territory,
this APR 18 1905

Cherokee Freedmen R 574-536-543-
557-599-631-579.
Cherokee Freedmen R 36-D 87-1328-
251-252-253-357-731.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL., F R 574 et al., and GEORGE IRONS, ET AL., F R 36 et al.

APPEARANCES:
For Applicants, Starr & Patten.
For Cherokee Nation, W. W. Hastings and J.S. Davenport.

The records of this office show that on April 5, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

J. H. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A. J. H. Walters.
Q Where do you live? A At Iola, Kansas.
Q How long have you lived there? A Since the 19th of July, 1861.
Q What is your age? A 62 the 5th day of last March.
Q Were you a soldier in the Civil War? A I was.
Q When were you mustered out of service? A The 19th of September, 1865.
Q Where were you living in the year 1866? A I was living one mile north of Iola.
Q Were you acquainted with a colored man in that neighborhood by the name of Mose Hardrick? A Yes sir, I was.
Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.
Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 50 or 60 cord of cord wood for me in the early part of 1866.
Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.
Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected to as being clearly inadmissable because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted.

A No I cannot say that I heard that he had left there. I didn't see him and that is all I know about it.
Q Didn't see him after that time? A No sir.
Q Have you lived in that neighborhood ever since? A Yes sir.
Q Have you seen him in that community since? A No sir, not until I met him here today.
Q Do you know of there being a house built in that neighborhood known as the Dan Horville house a good many years ago? A Yes sir.
Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quaried the rock for the foundation and cellar.

BY MR. HASTINGS:
Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what become of him after you think you saw him about March 1866? A I lost sight of him.
Q Never made any inquiry and had no occasion? A No sir.
Q And don't know what become of him? A Nos ir.
Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what become of them. Some went to one place and some others, and others may have remained there? A Yes sir, I think that might have been the case.

W I T N E S S E X C U S E D .

FELIX LORANCE, being furst duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Felix Lorance.
Q Where do you live? A I live in Elk County, Kansas.
Q How old are you? A I am 58 years old last 31st day of April.
Q Were you ever in the army? A Nos ir, I wasn't in the army.
Q Where were you living in the year 1865? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm from 1857 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
Q Did you know about that time a colored man by the name of Moses Hardrick? A Yes sir.
Q Did you know Jeff Lyons? A I knew a darkey called Jeff, for instance we called a negro named Jeff, we called him "Nigger Jeff."
Q Did you know one named "Nigger Butler?" A Yes sir.
Q And one named "Nigger Tom" or Tom Moore? A I knew Tom, but not his other name.
Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, northwest corner of my father's farm in Allen County, that is up until the latter part of the year, he left there in the fall of 1866.
Q Is this Moses Hardrick the same as the applicant in this case?
A This man right here.

Q You could identify him could you? A After I looked at him awhile when he was there he wasn't lame or crippled up.
Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '62, '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
Q Did he work there in the fall of 1866? A The first part of it.
Q Where did Jeff Lyons live? A I don't know.
Q Do you remember how long Mose Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
Q What did he live in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
Q In what year was it? A 1866.
Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
Q Do you remember when Dan Norville's house was built? A WellI was there but I don't remember any thing about the dates at all. I didn't work on it any when it was built.
Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don't remember when it was built.
Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1868.
Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad soldier and I tried to get in.
Q When did you return? A June, 1866.
Q Was it that same year or different years these parties left?
A That same year.
Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
Q The following year you farmed that ground? A Yes sir.
Q When was that? A 1867.

BY MR. HASTINGS:

Q When were you married? A The first time in 1870.
Q You were not married then? A Nosir, I was just 18 years old. I was born in 1848.
Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.
Q You mentioned a man named Jeff and Butler and "Nigger Tom?" A Yes sir.
Q Did they leave and come with him? A I never saw them afterwards.
Q I asked did they leave? A I don't know, there was a bunch left at the same time, Mose left.
Q You didn't have any knowledge about Jeff, you don't know where he lived? A No sir.
Q Are you prepared to say he come off with Mose? A I don,t know, there was a bunch left there.
Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Mose or not.
Q How about this man Tom? A I don, t know anything about him.
Q Did you ever see either of these after Mose left? A No sir.
Q Are you certain of that? A Pretty so, I never saw one that I remember of.
Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 y ars? A Not until this come up.
Q Who directed your attention to it? A I don,t know what the man's name was, he was a dark complexed, heavy set man. I forget his name, he told me but I forget it.
Q How long ago was it ? A A couple of months, I expect since I saw him.
Q Did you know Moses' wife's name? A I think her name was Patience.
Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.
Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.
Q Do you know of the youngest one? A Nosir.
Q Do you know whether they were boys or girls? A I don't know that, he had a small family there. We lived in their own house and we lived in ours.
Q You never made any record of the date they left? A Nothing only memory from the time I come off of the plains.
Q you don,t know of him coming to the Cherokee Nation? A Never saw him from the time he left there.
Q You don't know whether ~~ix~~ he come on this side or not? A He might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.
Q Did Mose ever live on that Eastwood place west of the Neosho River? A I don't remember.
Q Did he ever live on that Norville place? A I don't think he did, but I don,t remember.
Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don,t remember her.
Q Did he have any children? A I don't know whether he did or not
Q Did you ever see Butler McNair's wife? A I don't think I did.
Q Did he have any children? A I don't know.
Q Did you ever see Tom's wife? A I don't think I did, if I did I don't remember it.
Q When were you told what Mose's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience andus kids would kind of make a little game of it.
Q If she did your washing you don't remember the children's names?
A No sir.

Q You don't know how many there were? A No sir.
Q Do you know whether they were boys or girls? A I think the older ones were boys but I am not positive.
Q How long did your father live, is he dead now? A He has been dead about 20 years.
Q Was he living in 1872? A Yes sir.
Q In 1876? A Yes sir.
Q Who was living on your father's place in 1872? A He was there.
Q Your father? A Yes sir.
Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
Q Did you ever go back there at all? A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
Q You don't know who was there,--what of those years between them or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1868.
Q Who cultivated your farm? A I did myself, and sometimes had hired men.
Q Who worked for you at that time? A I don't remember.
Q It is mighty hard to remember those things? A yes, unless you have got something to go by.
Q You would not undertake to remember it? A No sir. I don't suppose I would remember Mose unless it was by my brothers coming out of the army and my going on the plains. And coming back.
Q Suppose he says he come in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
Q You don,t know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A James L. Christy.
Q Where do you live? A In Allen County, Kansas.
Q Is that near Iola? A yes sir, I lived 11 1/4 miles northwest of Iola.Now.
Q Were you enlisted as a soldier during the Civil War? A yes sir.
Q When were you mustered out? A August 16, 1864.
Q Where were you living in 1866? A Two miles north of Iola.
Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
Q Did you at that time ever know a colored man named Mose Hardrick? A Yes sir.
Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
Q Did you know Butler McNair? A yes sir.
Q Tom Moore? A Ye s sir.
Q Do you know where the se people that I have just mentioned were living in the year 1866? A I~ I remember right Butler McNair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
Q Where was Mose Hardrick living? A On a man's place named Lorance.

Q How far was that from where you lived? A About a mile and a half.
Q Did you see these people freq ently? A Yes sir, with them every week.
Q Do you know how lo ng Mose Hardrick continued to remain in that community? A Why I don't know the exact date he left there, I got acquainted with Mose in 1865.
Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Mose Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I got acquainted with them that way.
Q When did they leave that comminity up there? A To the best of my knowledge sometime in October.
Q What year? A 1866.
Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
Q Did they take their effects with them when they left, moved completely out? A I don,t know, I know they riged up in wagons, and whether they took all I don't know.
Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
Q How long did you live in that community continuously after that?
A I guess I lived right there for 10 years.
Q Did you ever see these people after that time you say they left?
A No sir, I never did.
Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
Q Did you ever see them there after that time? A no sir.
Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Mose Hardrick and some of these colored feallows to help us thrash and they said they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
Q Did they say where they were going? A My understanding was to the Nation.

BY MR. HASTINGS:
Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February, 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
Q Was that in January or February, 1866? A No sir, it was in August.
Q Why couldn't that have been in August, 1867? A because I wasn't right at that place in August 1867.
Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
Q What time in 1867 did you get married? A November, 1867.
Q Then you were not married in August, 1867? A No sir.
Q And you were not married in October, 1867? A No sir.
Q Were you on your father's place? A I was on my father's place part of the time.
Q How old did you say you were? A I didn't state but I will be 66 the 12th day of July

Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
Q That was your head-quarters? A Yes sir.
Q Now you of course don't know where these parties went? A No sir.
Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
Q You state they all left together? A That was my understanding.
Q You are as positive about one as the other? A Yes sir.
Q What was Butler McNair wife's name? A IThink it was Betsey.
Q Did they have any children? A I don't k think they did.
Q What was Jeff Lyon's wife's name? A I don't know.
Q Did they have any children? A I don't know.
Q Were you ever at his house? A No sir, I don't know as I was at his house.
Q Then you didn't see him when he was loading his wagon? A No sir.
Q And you didn't see Butler McNair? A He had his wagon loaded.
Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
Q You don,t know that? A I am not positive as to the date but I am pretty sure they all left together.
Q You are not positive as to the date but you are positive as to them leaving all together. A Yes sir.
Q You didn't know Tom Moore's wife? A I have seen her.
Q You don't know her name? A No sir.
Q Do you know what place he lived? A On Coover's place at Carlile.
Q You don't know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
Q Well now did your father raise any wheat in 1867? A Yes sir.
Q Did he raise some in 1865? A We tried to raise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
Q Did you raise some in 1868? A Yes sir, I think we did.
Q Did you raise any in 1869? A I think maybe we did. We generally sowed wheat every year.
Q Well did you? A We sowed every year.
Q I mean did you have it sown on your place? A No sir, not on my place.
Q Did you have a place in 1869? A No sir, not myself, the place I was on belonged to my father.
Q Did he have some wheat in 1869? A I think he did.
Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
Q The same man? A No sir.
Q Well who did? A Old John Cornell done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate Wisdom thrashed in there for 21 years.
Q Do you know whether it was 1869 or '70? A I think it was 1869.
Q Are you positive about that? A Yes sir, I am pretty positive.
Q What time in 1869? A I think it was in the fall.
Q You xx were not down at Mose Hardrick' s when he left? A No sir, but I was there several times and heard of his leaving.
Q You heard of his leaving? A Yes sir.
Didn't see him leave? A No sir, didn't see any of them leave.
Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they weregoing and I sold Tom Moore a span of penies to come with just a few days before they left.

Q But you don't know whether he and Mose come together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humbolt.
Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case come up----
Q You talked with the other witnesses when you come down? A Yes sir, I talked with these witnesses as I come down.
Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
Q QWhat other of these people have you talked with? A I don't know, I don't know any of them but Mose.
Q Talk with Mr. Starr? A Yes sir.
Q When? A This morning the first time I ever seen him.
Q Who did you talk with up in Kansas and who got you to come here?
A Well the man I talked to up in Kansas was Parrymore.
Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up----
Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.
Q And the reast of you witnesses talked it over coming down here?
A We didn't talk it over. Only two come with me.
Q Who? A A man named Morse and a man named Byrd.
Q Do you know any of the hands that helped you thrash in 1867?
A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
Q Who was that? A John Walter.
Q Who helped you in 1868? A Why John Walter I guess.
Q Are you positive about that? A Well we always changed work.
Q You had been in the habit of changing work are you positive you changed that time? A Well I don't know for sure.
Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
Q If he testified he come in the Spring, it was some spring after that? A He was mistaken, not that spring.

BY MR.PATTEN:
Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.
Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
Q You spoke on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.
Q Did that instance help to refresh your memory? A Yes sir.
Q In what way? A In the year that he tanned them. I knew what year it was.
Q How do you happen to recall that instance of him tanning those hides for you? Well after he got them tanned he took them all away and I never got but one little hide.
Q Did he take them all away? A Yes sir.
Q You remember you lost your hides? A Yes sir.
Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.
Q You spoke on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.

Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.
Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:
Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Rose Hardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1865,--no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring
Q and it was the next year after they damaged it the grass hoppers were bad up there that Rose Left? A The last grass hoppers were there in the spring along--
Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.
Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.
Q Didn't hurt your crop in 1866? A No sir, it was in 1865.
Q But anyhow it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTEN:
Q Do you remember when the Dan Norville house was built? A Yes sir.
Q What year was it built in? A In the spring of 1866 they commenced it.
Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:
Q How far from Iola Was the Dan Norville house? A It is a mile and a half from the center of the square
Q Now a mile and a half south from the center of the square, who lives there? A Davis Parsons.
Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1857.
Q Now say east of there a mile and a half, who built a house out there? A Wasn't any there.
Q How out in that neighborhood? A Wasn't any settlement up there them days.
Q When was the first house built there? A Old Lyman Rowe built the first house east of there.
Q When was that? A In the fall of 1859.
Q What I am trying to get at there was nothing to impress it on your mind of any body building a house around there? A Well yes I know, there was a lot of houses built around there.

You mean to sit up here and tell when these houses were built without any thing to fix it on your memory? A I am the oldest settler in that country.

Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
Q Why then was the Dan Norville house? A He built the finest house in the country.
Q Well aint there lots of fine houses around in that country?
A Yes sir, there is now, but he bui It the first.
Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S E X C U S E D .

J. C. THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A J. C. Thomas.
Q What is your age? A 64.
Q What is your post office? A Iola.
Q Kansas? A Yes sir.
Q How long have you lived in or around Iola? Kansas? A Ever since 1864.
Q Where were you living in the spring of 1868? A I lived at Iola, near there, right in a half mile of the town.
Q What direction from town? A West of town at the mill.
Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
Q By what name did you know him? A By Jeff.
Q Did you know his wife? A Yes sir.
Q What was her name? A Mahala, she done my washing until I was married.
Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing?
A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
Q Did you get a deed to that farm? A Yes sir.

Mr. Starr: Mr. Hastings we want to have a notation made of this deed.
Mr. Hastings: I have no objection whatever.

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddie Pierson, conveying certain land described there in to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29 1865. The deed is returned to the witness.
Q Now where was Jeff and Mahala at the time you bought this place

Mr. Hastings: Objected to because he has made no connection between the two as yet.

On behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Cayberry's place.

Q How far was that from where you lived? A On part of the place, there was a lot cut off of his place.
Q How long did you continue to live at that place? A From 1865 until the spring of 1866.
Q Then where did you move? A On to this place.
Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cowherd place.
Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
Q What became of Jeff and Mahala after that? A I don't know sir, I haven't seen them since.
Q How long did they continue to live there after that, after you moved on to this other place? A I don't know sir, they may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
Q Did they leave that part of the country in 1866? A

Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted.

A I never see them after that, don't know where they went.
Q Never saw them since? A No sir.
Q Now what was your understanding as to where they went?

Mr. Hastings: Objected to because he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will be noted.

A My understanding was that they come down here. I asked why they left there so quick, I didn't think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:
Q You don't know who you talked with? A No sir.
Q And you don't know of your own personal knowledged when they left?
A No sir, I don't .
Q You cannot begin to testify and you are not going to testify?
A No sir.
Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
Q And you don't know whether they left that spring, or summer or when? A No sir.
Q All you remember is that you didn't remember of seeing them after you moved? A No sir.

W I T N E S S E X C U S E D.

ELIZABETH THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A My name is Elizabeth Thomas.
Q What is your age? A I am 64.
Q What is your post office? A Iola, Kansas.
Q How long have you lived in or around Iola, Kansas? A Well since 1868, the fall of 1868.

Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there, about 100 yards.
Q Are you acquainted with a colored man named Jeff Lyons in 1865?
A Yes sir.
Q Did you know his wife Mahala? A Yes sir, she lived there close.
Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don't know really how far it was, not over that.
Q Did you know them there in 1865? A I never saw them until here.
Q When did you leave the place? A In the spring of 1866.
Q Did you see them around there after the time you left? A Yes sir, before we left.
Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
Q Now when was it that they came to the Cherokee Nation? A Well sir------

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On behalf of the Commissioner: Theobjection will be noted.

A Well I can't give the date when they come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and came on our place in the spring of 1866.
Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very short time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:
Q You don't know where they came of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn,t go with them.
Q You didn't see them when they left there? A We went from that vicinity.
Q Did you see them when they left? A no sir.
Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
Q Didn't you say they dropped out of your sight in the spring of 1866? A I said I hadn't been back to visit where I lived.
Q Didn't you say you didn't see them after the spring of 1866? A I don't think I did.
Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge what became of them? A The folks-
On behalf of the Commissioner: Answer his question, yes or no.
A I didn't know that they were coming down here.
Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
Q Now you are determined to say that? A Well it is just hereasy, the same as our neighbors, everybody knows.
Q Who lived on your place in 1867? A We lived there ourselves.
Q Did you have any tenant? A No sir.
Q Did you have any one in 1878? A No sir.
Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
Q What time did you move on this place in the summer? A In the spring, the first of March.

Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
Q You don't know where they were of your own personal knowledge?
A No sir.
Q Did they have any children? A Yes sir, one.
Q What was its name? A Its name has slipped my mind.
Q Boy or girl? A Boy.
Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
Q They only had one that you knew? A The only one that was with them, I have been told that she had older children that were not with her.
Q That had only one there and it was 5 or 6? A Yes sir.
Q That was Jeff and Mahala? A I don't know, it was called theirs.
Q Do you know where it was born? A No sir.
Q Did they have any born while there? A No sir.
Q You know that? A Yes sir, I know that.
Q This one you knew is 5 or 6 years old? A I judge it was.
Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY MR. STARR:
Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possible be put.

ON Behalf of the Commissioner: The objection will be noted.

A We have never lived on but one place, we live right where we moved when we went to housekeeping.
Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
A To the best of my knowledge it was.

BY MR. HASTINGS:
Q Was it a month after you moved on your place? A It was more than a month.
Q Two months? A I think it was, Well this Jeff just tended a crop that year.
Q You don,t know this? A I know they had to hire another hand, they said Jeff was gone.
Q In making that crop? A Yes sir.
Q Making a crop of corn? A Yes sir, a mixed crop I guess.
Q That is what you recollect about it? A Yes sir, I wasn't on the t place, I just seen the family once in a while.

W I T N E S S E X C U S E D .

On Motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A. M.

On June 22, 1906, in pursuance of continuance heretofore had in this case, the hour of 8:45 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q What is your name? A R. J. Morris.
Q Where do you live? A Iola, Allen County, Kansas.
Q How old are you? A Past 61.
Q How long have you lived there? A A Little bit over 30 years.
Q Were you a soldier in the Civil War? A No sir.
Q Did you know a man by the name of Mose Hardrick, a colored man about war time? A Yes sir.
Q When did you first become acquainted with him? A personally acquainted with him in 1864, we were out together in Price's Raid., there is where I got personally acquainted with Mose.
Q Did you continue to know him after that time? A I did for a year or two.
Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Lorance.
Q Where were you living at that time? A Two miles northwest on Deer Creek.
Q Were you pretty well acquainted with him? A yes sir, very well acquainted with him.
Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Mose in town.
Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Mose.
Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
Q Did you know Butler McNair? A Yes sir.
Q Where did these other people live? Jeff Lyons, where did he live?
A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
Q Was that close in the neighborhood where you lived? A Probably five miles.
Q Where did Butler live? A On Deer Creek about 4 miles from me.
Q Where did Tom live? A On Coever's place, a mile north of where Butler lived.
Q Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
Q And where did they ~~goin~~ go, if you know? A I don't know, they left ~~where and said—they left there at that time along sometime~~ there and said—they were talking of coming back home, I suppose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '68 that they left? A Well I was at that time a single man, I was married in 1867.
Q And about how long before you were married did they leave? A A year.
Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
Q Do you know when the Dan Merville house was built up in that community? A I couldn't say as to that, it was built in the early days.
Q You don't know what year? A No sir.

BY MR. HASTINGS:

Q It is pretty long to remember when people's houses were built around there? A Well I will tell you that was about the finest house put up in that country then.
Q But you cannot remember? A No sir, I couldn't say what year.
Q You would not like to say from an independent memory? A No sir.
Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never me thim very much.
Q You perhaps knew there was a colored man by that name? A Yes sir.
Q You don't know the members of his family? A No sir.
Q You don't know anything about the members of Tomm Moore's family?
A I knew his wife, a girl Rose, an adopted girl.
Q How old was Rose? A She was just a little bit of a girl.
Q About what age? A Probably 7 or 8 years old.
Q Well now what place did Tom live on? A On Coover's place.
Q About how far was that from where you lived? A About 4 miles.
Q Well was that settlement around Iola pretty thickly settled?
A Yes sir, tolable.
Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.
Q You made no note or nothing of that? A No sir.
Q You are just testifying from your own independent recollection?
A Yes sir.
Q And these people, you could be mistaken as to the time you last saw them? A Yes sir, it is possible.
Q You are not going to state it here and swear positively as to that? A Only as to my recollection.
Q You have no record guide you? A No sir.
Q And the same is true of Butler McNair? A Yes sir.
Q And of the others you have testified? A Yes sir, I would not attempt to say positively.
Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.
Q It is possible you could be though? A Yes sir.
Q Because it is 40 years ago? A Yes sir, long time ago, I know it was they left there before I was married.
Q You have got nothing that connects your marriage with them? A No sir.
Q They didn,t attent your marriage or anything of that kind? A No sir.
Q I mean did work for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.
Q Well I know, you often times thought have help around there? A They would have been there at the wedding.
Q I say there is nothing in the way of the cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.
Q As I understand you these were colored people living there in the country that you knew? A Yes sir.
Q You knew a great man there, colored people there? A Yes sir.
Q And these people dropped out of your sight about the time you indicated? A Yes sir.
Q You are not going to testify as to where they went to? A No sir
Q You never saw them in the Cherokee Nation until recently? A No sir.
Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground.

Q Might for aught you know? A Yes sir, we might meet in the happy hunting ground.
Q They left there at the same time Butler McNair? A Yes sir, all disappeared at the same time.
Q That is all dropped out of your sight? A Yes sir.
Q You were not there when either of them left? A No sir.

BY MR. PATTEN:
Q You were more particular acquainted with Mose Hardick? A Yes sir, Mose more particularly.
Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in thefall of 1866.
Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being hearsay.

On Behalf of the Commissioner: The objection will be noted.

A They were coming back home, back to the Territory, that was my understanding.

W I T N E S S E X C U S E D.

CALVIN ROSE, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Calvin Rose.
Q How old are you? A 66, 67 next spring.
Q Where do you live? A Iola, Kansas.
Q How long have you lived there? A I have been there ever since the war.
Q Did you know Mose Hardick during the war? A Yes sir, I knowed him.
Q Did you know Jeff Lyons? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Did you know Tom Moore? A Yes sir.
Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
Q Did you go up there with them? A Yes sir.
Q Were you in the Territory here before the war? A Yes sir, raised right over here on the Grand River.
Q Did you go to Kansas with that party up here? A Yes sir.
Q Where were you living in the year 1866 after the war? A Up there.
Q Where? A Iola.
Q How far from Iola? A Right in town.
Q Do you know where Mose Hardick was living then? A Yes sir.
Q Where? A On the Lorance place.
A Do you know where Jeff Lyons was living? A On the Cowhern place.
Q Do you know where Butler and Tom were living? A I don't exactly know, I know t they lived on Deer Creek there.
Q Do you know when Mose Hardick and Jeff Lyons left the community up there? A Yes sir.
Q When did they leave? A Along about '66 along about the fall like.
Q Do you remember about what month or what time of the year? A Well it was fall of the year, latter part of August somewhere along there.

Q That was in the year 1866? A Yes sir.
Q Where did they go, if you know? A Well they started down here they said to the Nation.
Q Have you lived in that community almost every since? A Yes sir.
Q Have they ever been up there since? A I haven't seen them, never saw Mose until yesterday.
Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross. A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.

BY MR. HASTINGS:
Q You are the same man that applied here for citizenship? A Not this court.
Q Yes to this Commission? A When?
Q Well are you? A No I aint applied for anythin in this court here.
Q Did you ever apply? A I did in the Wallace court.
Q About four years ago? A No sir, not 4 years ago.
Q Have you ever applied? A Why I did in the Wallace Court, I don't know how long that has been but then I wasn't living here.
Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
Q Who were your witnesses? A Why old man John Martin.
Q Did you draw money from the Wallace Court. A Didn't get nothing not five cents.
Q Did you make application to the Kern Clifton Commission in 1896?
A No sir.
Q Did you live in Iola, in the town of Iola? A Yes sir.
Q Where did Mose live? A On the Lorance place North of town, northwest.
Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit time run out.
Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the later part.
Q Did Butler McNair leave at the same time? A Yes sir he and Tom Moore.
Q All of them go ? A Yes sir.
Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
Q You never come in 1866 yourself? A No sir.
Q What was the first time you come here after the war. A Time of the Wallace Court.
Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
Q Did you apply for it? A I went to enroll and they-----
Q Did you get on? A Yes sir, they said I was on it.
Q Did you get any money? A No sir, they took my name off.
Q You don't know what year that was? A No sir.
Q Are you married? A I have been.
Q What year were you married? A '70.

Q What were you doing up until 1870, you never was married? A What was I doing before I married.
Q Yes, were you working up there? A Yes sir.
Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
Q Were you ever here after you come to make application before the Wallace Court? A I have been down on a visit, that is all.
Q What year was that? A I was down here last year.
Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
Q Do you remember the exact year you were here? A No sir.
Q You don't knew about those dates? A No sir no learning at all, I am no scholar.
Q Can you sign your name? A No sir.
Q Can't read nor write? A No sir.
Q You are a colored man? A Yes sir I am colored.
Q You were a slave yourself? A Yes sir.
Q To whom did you belong to? A Lewis Ross.
Q Where is that other Calvin Ross up there? A He lives at Vinita.
Q Did he used to live at Iola? A Yes sir, I suppose he did.
Q Don't you know? A Yes sir.
Q Did Hardrick have some children up there in Kansas? A Yes sir. I think he haddsome.
Q How many did he have? A I don't know that? That is something I never paid any attention to, him nor anybody else.
Q Did Butler McNair have any children? A Well I don't know that.
Q Well did Jeff Lyons have some? A Yes sir, he had some. I recollect a couple of girls; that was his wife's children.
Q What were their names? A One named Peggie and An-na-ki, by a man named Ike.
Q Did Jeff have any children by her? A Yes sir, he had children b her.
Q Up there? A Yes sir.
Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
Q Don't remember his name? A No sir.
Q Have you lived continuously in Iola ever since? A Yes sir.
Q In the same town? A Right there in town been nowhere else.
Q Were you in the army? A Yes sir.
Q After you were mustered out you justlived continuously in Iola?
A Yes sir, right there.
Q Is the wife you married in about 1870 living? A Dead.
Q When did she die? A She has been dead about 12 years I believe.
Q Do you remember the year she died in? A No sir.
Q You don't remember? A No sir, I don't know anything at all abou such things.
Q You don't know anything about dates? A No sir.
Q You don't remember the date she died? A No sir.
Q You are not going to testify about dates? A No sir.
Q You are unlearned and cannot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
Q Did you have some children born to you? A No sir.
Q Never had any children at no time? A No sir, never did.
Q You are just testifying now from independent recollection? A What I tell is what I recollect.
Q But you have justsaid you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
Q And you said you don't know anything about dates? A Well I know about bank in 1866, about that time I know that because that was the second year after I come home from the army.

Q But you don't know what year your wife died? A No sir, I don't know that.
Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
Q Now from 1866 up to the present hour can you name any date upon which any event occurred. Now all between those years 1866 to 1906? A Well I don't know thatthat is.
Q Do you know anything occurred in 1876? A I don't know that.
Q Do you know anything occurred in 1886? A I never paid attention to such things.
Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
Q When were you asked to testify in this case? A I was up at Iola.
Q Who come to see you about it? A I don't know the man.
Q Well who was it? A I don't know but he was--I guess you all know him better than I do.
Q Who subpoened you to come down here A Why it was a Government man, he said he was doing Government business.
Q Did he say he was a Deputy Marshal? A Yes sir.
Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come down.
Q Did he read a subpoenae to you? A No sir, he didn't read anything
Q Did he say he had one? A He didn't tell me that neither.
Q What was his name,--Parrymore? A I don't know.
Q Was that his name? A I never heard the man's name called.
Q But without knowing who it was or anything about him, you come?
A Yes sir, I don't know anything about his name he never told me his name at all, he told me what day to come.
Q What year is this? A 1906 I believe.
Q Are you certain.? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Davis.
Q What is your age? A 51 going on 52.
Q What is your post office? A Vinita.
Q Are you acquainted with the applicant Moses Hardrick? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Did you know Butler McNair in his life time? A Yes sir.
Q Did you know old man Tom Moore? A Yes sir.
Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
Q When was the first time you saw the applicant Moses Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
Q Where was he when you saw him? A Over there on Spring Creek.
Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime or the first of February.
Q January 1867? A Yes sir.
Q Where was he? A He was up on the River on the old DR. Thompson place where Wimer Thompson lives now.
Q What was he doing there? A He was living there.

Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January 1867? A Yes sir, ever since to my recollection.
Q Never has lived anywhere else? A Not as I know of.
Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
Q In the Dr. Thompson house? A Yes sir, in that house.
Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there, working there.
Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:
Q How old are you now? A 51 years old, going on 52.
Q You were just a boy then? A Yes sir.
Q How old were you then? A I suppose I was, I don't know, about 11 years old, 10 or 11.
Q You were a slave yourself before the war? A Yes sir.
Q What is your wife's name? A Belle Davis.
Q What was her maiden name? A Belle Bains.
Q Is she an applicant for citizenship? A She was born and raised in Texas.
Q Is she an applicant for Freedmen citizenship? A No sir, she is an intermarried, she is a State woman.
Q Were you ever married before? A No sir, this is the first one I ever married in my life.
Q Where were you living in 1866? A Well sir I was living at two different place. I was living up there on Grand River, there is where I settled I moved from Fort Gibson up there.
Q When did you go from Fort Gibson? A Sometime in the summer.
Q On whose place? A Our own place.
Q Who was with you. A My Uncle.
Q Who was he? A William Tucker.
Q Who made a crop on the Lon Lynch place in 1867? A Well I don't know about that.
Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
Q Did Jeff Lyons have any children with him when you saw him? A Well I don't recollect, there were some children, I think he did though.
Q Did Mose Hardrick have any? A Yes sir.
Q How many? A I don't recollect, had several of them,--Jeff Lyons, lets see---
Q I am asking about Mose now? A Well he has had so many children I don't recollect.
Q Well at that time? A Yes sir, I think he did.
Q Now what children did he have? A I know of one, Eliza.
Q Did he have any others? A Yes sir, two or three more there.
Q What were their names? A I don't recollect--there was Josiah.
Q He had him there when you first saw him? A No sir, he didn't have him then.
Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
Q Well after Christmas, which ones did you see? A Well I say there was Eliza.
Q What was the next one? A Well I don't recollect, he had several children.

Q How many did he have? A I said I don't know.
Q Don't recollect that? A No sir.
Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
Q You can't tell about that? A No sir, had two or three, 3 or 4 there were lots of children there.
Q You were only a boy yourself, you would have known children? A Yes Sir, that is how come me to know them, I played with them.
Q Was Butler McNair there at that time? A Well I don't recollect, it has been so long, I can't recollect all of them.
Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
Q You didn't belong to the same people these people did before the war? A No sir but I knowed them.
Q You were only 5 or 6 years old during the war? A Yes sir.
Q You were born in 1855 or 1856? A Born the 27th of March 1855.
Q Was Tom Moore at this Thompson place? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What was her name. A I don't recollect.
Q Was she there? A I don't recollect.
Q You cannot recollect, it has been so long ago? A No sir.
Q Where did you live in 1867? A On Spring Creek.
Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
Q Where did you live in 186 ? A On Cabin.
Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Called it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
Q Were you down there in 1868? A Yes sir, I think I was there in 1868, come around by there?
Q Who cultiavated that place that year? A I don't recollect.
Q Do you know who cultiavted it in 1870? A No sir.
Q Do you know who cultivated the Bob Daniels place in 1866? A No sir.
Q Do you know who cultivated the Lynch place in 1868? A Which one of the Lynch places.
Q Len Lynch place belonged to his father? A No sir, I don't .You see I didn't live up there with them people at all.
Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went with them.
Q Are you certain you saw Butler McNair up there at sthat time?
A Yes sir,--well I wont be positive.
Q Is that your best judgment, along with your judgment of the rest of them? A No sir, I wont be positive about Butler McNair
Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
Q Now lets commence again, what children did Mose Hardrick have up there at that time? A I know he had Eliza.
Q The others? A It seems he had a girl, I forget, I know he had two or three.
Q Nels Moore living there at that time? A Yes sir.
Q Was he living i n that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
Q What others lived there, now named them all? A I have named all I recollect of.

Q Now lets go over them again so we can get them more together, all that were living in that house at that time? A I couldn't tell you all of them? That has been a long time ago and I couldn't be positive to state but all of them people were living in that house?
Q It is a long time to testify about? A Yes sir.
Q And you don't want to be positive about that? A Yes sir I am positive I saw Uncle Mose Hardrick there because I knew him so well.
Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Mose Hardrick's children.
Q Well who else? A I seen Aunt Sallie Lyons.
Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was Mike Moore's mother.
Q What was her name? A I think it was Aunt Salie.
Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
Q His mother was named Sarah? A Not Sarah, I think it was Salie; it has been so long I forget,---No Mahala that was it.
Q Who told you? A I just happened to think of it.
Q You just heard one of the boys back there say it, didn't you?
A No sir, but that was her name.
Q She was living there then? A Yes sir.
Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Mose and them people I know personally a long while.
Q You are ready to testify about them. A Yes sir, you too.
Q But you are not ready to testify what children Mose had? A Yes sir, I am testify to that.
Q Give them here? A I cannot give them all.
Q Then you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
Q Did he have any others? A Yes sir, two or three more.
Q What were their names? A I don't recollect it, --there was Cy.
Q He was there at that time? A I don't recollect whether Cy was the there at that time. I knowed Uncle Mose had two or three children but that was Eliza, she was the oldest.
Q What I am trying to get at, you say Mose had some two or three other children there at that time and I am asking you the names of any of them except Eliza, that was there in January 1867?
A I don't recollect the names.
Q But know he had them? A Yes sir, I know he had them.
Q Was he living up stairs or down stairs? A I don't recollect that.
Q Do you remember who was living up stairs? A No sir.
Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
Q You don't know who was living there on the Lynch place, Len Lynch's father? A No sir, I didn't live up in that country.
Q You don't know who lived on the Johnson Thompson place? A No sir I don't, it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
Q You couldn't say that? A No sir.

Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.
Q When did you know of his living there,--lots of time you know of a man living there but not personally acquainted with him? A Well I would know--I knew he was living there along in '70.
Q That as the first time you ever saw him there, that is what I am asking you? A I don't recollect.
Q You don't recollect that? A No sir.
Q How far is the Johnson Thompson place from the Dr. Thompson place?
A Well I don't know that, it isn't very far though.
Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the River and the Johnson Thompson place on the other.
Q What side of the river is Dr. Thompson place? A On the east side.
Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
A And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

ON BEHALF OF THE COMMISSIONER:
Q Are you related to Mose Hardrick? A None at all sir.
Q Are you related to Jeff and Mahala Lyons? A No sir.
Q Mike Moore? A No sir.
Q How far did you live from them before the war, Mose Hardrick?
A It was, I expect 45 miles.
Q When was the last time that you saw him before the war?
A Well sir I think it was just about the year the war commenced, or the year before the last time I seen Uncle Mose.
Q Where was it? A He was up there at our place.
Q Do you remember what year it was? A Yes sir, I think I do.
Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
Q He was at your place? A Yes sir.
Q Was any one there with him? A Yes sir, several of them.
Q Name them? A Lets see, there was him and Uncle Jim French, and my oldest brother, Ab Davis, my mother and Charley Davis.
Q What were they doing there? A Well I don't recollect.
Q Just visiting? A Yes sir, he was justthere, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.
Q Do you remember him being at your place before that time? A Yes sir.
Q Can you name another time he was there before this? A Yes, sir, I can recollect him ever since I have been big enough to recollect.
Q The last time you remember seeing him before the war was in 1860?
A Yes sir, somewhere along there, '59 or '60 about the time the war commenced.
Q Do you know where he went from your place? A No sir, guess he went back home.
Q Did you see him any more until you say you saw him in January 1867? A Yes sir.
Q When? A I seen him sometime along in December of 1866?
Q Did you see any other freedmen up there about that time? A Yes sir.
Q Name them? A Well I cannot name all. There was several of us.
Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Musgrove and our family and Uncle Feus Musgrove.
Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
Q You were how old then? A About 10 or 11 years.
Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime before Christmas.

Q Had you ever gone to school prior to that time? A No sir, I hadn't commenced school then.
Q Could you read and write at that time? A No sir.

BY MR. STARR:
Q About this Rob Daniels place, how many Daniels places were they around the country? A I don't know, I aint very well acquainted with the Daniels place.
Q Were you very well acquainted with this Lon Lynch place in 1867? A No sir, I wasn't around there very much at that time. 15 or 16 miles from there.

BY MR. HASTINGS:
Q Was Mose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
Q You don't have any idea about that? A No sir, I couldn't say. I didn't live within 40 miles of him.
Q You don't know whether he had a wife before the war or not? A Don't know whether he married before the war or during the war. Sometimes the darkies didn't marry in this country.

W I T N E S S E X C U S E D .

WILLIAM BIRD, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A William Bird.
Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness, William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 18, that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Department letter in the Texana Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearings are not required previous to the introduction of such witnesses.

On Behalf of the Commissioner: The records of this office show that under date of June 18, 1906, there was received a letter from Messrs. Starr & Patten, Attorneys in this case dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al?, the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to reppen the case, in sufficient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., In view of the advise to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q State your name? A Jennie Downing.
Q How old are you? A About 54 years old.
Q What is your post office address? A Catale.
Q Where were you living in the latter part of the year 1866? A The latter part.
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.
Q Are you a duly enrolled Cherokee freedman? A Yes sir.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A Returned back here in 1866.
Q Who did you come back with? A With Andy Frye, my Uncle.
Q How were you acquainted with Mose Hardrick before the war? A No sir.
Q When was the first time that you remember of seeing Mose Hardrick after the war? A I remember seeing Mose Hardrick after the war was down at the old Johnson Thompson place.
Q Which side of the Grand River is that place on? A It is on the east side.
Q Did you know Jeff Lyon about that time? A Yes sir.
Q When was the first time you saw Jeff Lyons after the war? A At the same place.
Q About what time was that? A It was in the winter time.
A Of what year? A 1866.
Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.
Q That is when you saw Jeff Lyons? A Yes sir.
Q And did he move over on that Thompson place? A Yes sir.
Q Did Mose Hardrick move over there before or after Jeff? A After Jeff, he was there first.

Q How long after Jeff moved on that place did Mose Hardrick move there? A I don't know.
Q Was it a long time or short time? A It wasn't so very long after he come I don't suppose. I would not be positive just how long.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Cynthia Lynch? A Yes sir.
Q Did they have a school in that neighborhood about that time? A Yes sir.
Q Where did they have that school? A At old Johnson Thompson's place.
Q Who taught it? A Cynthia Lynch.
Q What time? A In the spring.
Q Do you know about when that school started? A No sir, it was in the spring.
Q Did Mike Moore go to that school? A Yes sir.
Q Did you? A Yes sir.
Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, Mike went there then.
Q And that was when? A That was in the spring.
Q Of what year? A '67 or '66, '67 I think it was.
Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
Q When was that? A In March.
Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Rowe.

BY MR. HASTINGS:
Q Mose Hardrick ever lose any other children? A Any of his children.
Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
Q After that? A Just before or after that.
Q What year did the other one die? A I don't knew.
Q Don't have any idea about that? A No sir, I don't knew.
Q You don't know whether it was one year before, or two years after?
A No sir, I don't.
Q It may have been 5 years afterwards? A I couldN't tell.
Q You have got no idea about that? A No sir.
Q You had no education before this, you couldn't read and write at this time? A No sir.
Q You would not like to be positive about this like that? A No sir.
Q Did Mose Hardrick lose any children? A Not that I know of.
Q Did Jeff Lyons ever lose any? A Not that I know of.
Q Did Nels Moore ever lose any? A Not that I know of.
Q Did anybody else in that country ever lose any? A Not at that time you speak of.
Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children to die? A They had some to die.
Q Who? A I don't know, Mose Hardrick might have lost some too.

Q Well how long afterwards? A I couldn't tell you.
Q Don't you know the date Mose lost his children? A No sir, I don't.
Q But they were after that time? A Yes sir, I suppose they were.
Q Well how long did you live there in that neighborhood after that?
A Why we moved away from there, we didn't live so long awhile before we moved away.
Q About how many years? A I guess it was a year, or it may have been a little longer.
Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
Q Probably two years? A Yes sir, before we moved away from there.
Q How far did you move from there? A I don't know.
Q In the same neighborhood? A No sir, we moved on the Filmore Hicks place.
Q How far from this Thompson place? A I don't know just how far.
Q About 5 or 6 miles? A Yes sir, I guess it was.
Q Do you know what year you moved down there? A No sir, I don't.
Q How long did you live down there? A About two seasons.
Q Do you know what year you left down there? A No sir.
Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
Q Were you married afterwards or were you married at that time?
A Married afterwards.
Q What year were you married? A I was married in, I would not be positive, I was married in '74.
Q You would not be positive about that? A I think it was.
Q Do you know what year they made the Wallace Roll? A If I mistake not I think it was in '95 or '96, something like that.
Q That is when they made the Wallace Roll? A I think it was.
Q How when did they make the Kern-Clifton roll? A I disremember, I went be positive about that.
Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
Q In that same year of 1880? A I think they paid off money that year.
Q What time of the year? A I don't remember.
Q You don't recollect it? A No sir.
Q Don't know whether it was spring, fall, summer or winter? A No sir.
Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
Q Don't you have any idea? A No sir.
Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
Q He was afterwards a merchant up there? A He was?
Q Wan't he? A I suppose so.
Q Don't you know that? A They say he was a merchant.
Q Didn't you never see him? A I saw him at a distance but never went to his store.
Q Didn't you never know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
Q How far were those two places apart? A They are not very far apart, the river is between them.

Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
Q Don't have the slighest idea about it? A I could have a slight idea but that would not do me any good to tell it.
Q What is your judgment about it? A I don't know, I couldn't tell you.
Q You have got no judgment at all about it? A When he returned?
Q Yes? A No sir, I have seen him.
Q How did Mose come down there? A I couldn't tell you.
Q You don't have any idea? A No sir.
Q Did he have a wife? A Not when I saw him.
Q Well how many years afterwards before he brought his wife? A I couldn't tell you.
Q As much as 3 or 4? A I don't know.
Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
Q How many years after that before you saw his wife and family?
A I guess probably a month, or two or three months when I saw his family.
Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
Q When did you leave the Dr. Thompson place? A I don't know.
Q How long after Christmas? A Quite awhile.
Q Two or three months? A I couldn't tell just when it was we left that place.
Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
Q There on the Thompson place? A Yes sir.
Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
Q And you yet hadn't seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aunt's before.
Q That was after you left the Thompson place? A Yes sir.
Q Then that was after March? A I suppose so, when I saw his wife.
Q Then he didn't have any wife there when you first saw him? A No sir, I saw him personally.
Q Anybody else with him? A Nobody with him when I saw him.
Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
Q Where did he come from? A Come from across the river when he come there.
Q He wasn't living in that house? A No sir, not the first time.
Q He wasn't living there until after you left? A After we left he moved there.
Q Anyhow up until the time you left and you stayed there until after March, 1867, he never lived in that Dr. Thompson house?
A No sir, he wasn't there when I left, I suppose he moved in after we left.
Q Well you never saw Jeff Lyons there at all? A Yes sir.
Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
Q Did he have his wife? A Yes sir.
Q The first time you saw him? A Yes sir.
Q Where were they living? A Right there on the same place.
Q On the Thompson place? A Yes sir.
Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
Q That was Jeff? A Yes sir.
Q What was Jeff's wife's name? A Patience.

Q That was Jeff Lyons' wife? A Mahala I mean.
Q Now you say it was Mahala, you see her? A Yes sir.
Q Did you see Butler McNair there? A No sir.
Q You didn't see Tom Moore? A No sir.
Q They never come there while you were at the Thompson place? A No sir.
Q Now if I recollect right, you lived there at the Thompson place until after they started school there, and then afterwards moved down on the Downing place? A No sir, I didn't ove down there, just went down there to stay a week or two with my aunt.
Q You don't know where Mose come from when he come there? A No sir, I don't.

ON BEHALF OF THE COMMISSIONER:
Q How old are you? A I am 54 years old.
Q Your post office Catale? A Yes sir.
Q Are you a Cherokee freedman? A Yes sir.
Q Have you got any children? A Yes sir.
Q What are their names? A Louvina Downing, Henry, Walter, Maggie and Lydia.
Q Are they enrolled with you? A Yes sir.
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

WITNESS EXCUSED.

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Bean.
Q What is your age? A 60.
Q What is your post office address? A Chaffee.
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know his wife, Jeff's wife? A Yes sir.
Q Where were you in the year 1866? A I was down here.
Q Down where? A Down here in the Nation.
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.
Q You were in the Horse Creek fight? A Yes sir.
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight. as well as I remember.
Q Where was he then? A He was there on Grand River.
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.
Q How long after the Horse Creek fight was it when you saw them?
A I don't just remember how long it was, a month or such a matter, maybe have been longer.
Q It may have been a month or six weeks after the Horse Creek fight?
A Yes sir.

BY MR. HASTINGS:
Q Where did you see them? A At the Dr. Thompson place.
Q They were living there with their wives? A No sir, I didn't see their wives.
Q Didn't have their wives? A Not over there.
Q How long did you stay there? A Just a very short while, about two or three hours.
Q You are not exactly positive as to the time you saw them? A Not exactly positive as to the time.
Q No? A I am positive it was the same time right after the Horse Creek fight.
Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know just the date when it was.
Q You were a slave? A Yes sir.
Q You couldn't read and write at that time? A No sir.
Q You didn't have any education at all? A No sir.
Q How many years afterwards before you saw Moses wife, as many as two or three years? A No sir.
Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about ----
Q As early as October? A Yes sir.
Q Well it was before it got cold weather? A Yes sir, when I first seed Mose.
Q The leaves were not dead on the trees then? A About just about the first frost.
Q But you didn't see Moses wife? A No sir, not at that time.
Q Was he living there at that time? A Don't know as he had, I don't think he was.
Q You don't think his family was there? A No sir, I don't know as it was.
Q Did you know Mose before the war? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
Q You didn't see Jeff Lyons' wife? A No sir.
Q Make any inquiries about her? A No sir.
Q Did you know her before the war? A Yes sir.
Q What year was the Wallace roll made? A I don't just remember.
Q You are not good on dates anyway? A No sir, I aint good on remembering, picking up everything.
Q Old slaves don't remember these dates very well? A Old slaves remember onething in this country, about when '66 was.
Q You all remember 1866? A I do.
Q You all know you have got to testify to as to 1866? A Yes sir.
Q And that has been talked to you for 10 or 15 years? A Yes sir.
Q It was talked to you when the Wallace roll was made? A Yes sir. before that.
Q What year were you married? A I don't remember, never kept no record of it.
Q Have you got any children? A Yes sir.
Q Do you know what year the first one was born? A No sir.
Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
Q You don't know when your second child was born do you? A No sir, I don't remember.
Q How any did you have Joe? I believe I have got 14.
Q You don't know when any of them were born? A I don't remember the year they were born. The children got as they could read they put it down, I didn't keep no trace of it, I didn't have to.
Q So you don't know about any of the dates of their birth? A I don't remember.
Q Did you ever lose any children? A Yes sir.
Q Was it your eldest one? A No sir.

Q You don't remember what year it died, do you? A No sir.
Q Did you lose more than one? A Yes sir.
Q How many have you lost Joe? A 8.
Q You have lost 8? A Yes sir.
Q You don't mean you have got 14 living? A No sir.
Q Had 14 all together and have lost 8? A Yes sir.
Q Do you know the year any one of them died? A No sir.
Q You don't know any of these years do you? A Yes sir. I don't really keep track of none of the years now, but I had to ~~xxxx~~ keep track of '66.
Q That is all you kept track of? A That is all I tried to keep track of.
Q Who come to you and talked to you about testifying in this case? A Nobody.
Q Nobody never talked to you ~~xxx~~ at all as to what you would testify? A I don't remember any person.
Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
Q Well now you are positive about that? A No sir, I aint positive about it.
Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Mose, I believe it was Mose asked me if I would testify in his case.
Q When did you see Mose, yesterday? A I saw him yesterday and I saw him sooner.
Q When did he first talk to you about testifying in this case?
A It has been about two months ago.
Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
Q And you don't remember how long it was after you first saw Mose before you saw his wife? A No sir, I don't remember how long it was.
Q May have been two or three years? A No sir, it wasn't that long.
Q May have beena year? A I don't think it was that long.
Q You are not going to be positive about that? A No sir, I wont be positive.
Q How long was it before you saw Jeff's wife after you saw Jeff?
A Saw them about the same time.
Q The two women? A Yes sir.
Q Did they have any children then when you first saw them. A Yes sir.
Q Now what children did Mose Have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
Q Did Jeff have any children? A Yes sir.
Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
Q How far did you live from the Dr Thompson place? A 8 miles.
Q Were you ever up there after October? A Yes sir.
Q When was the next time you were up there? A It was, -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
Q March, April or May? A Yes sir, it was in May, I think as well as I remember. Corn was up pretty good.
Q Do you know this woman who left the stand, Jennie Downing? A Yes. sir.
Q Did you see her there when you were there the first time? A I don't remember.
Q Did you see Nels Moore? A I don't remember seeing him.

Q Did you see Tom Moore? A I don't remember.
Q Did you see Butler McNair? A No sir.
Q On whose place did you live 5 miles south? A I stayed on Crap Lynch's place.
Q Was Crap down there at that time? A Yes sir, he was on the old—
Q Arsenic place? A No sir, it is the old Landrum place. Charles Landrum.
Q Did you know Johnson Thompson. A Yes sir.
Q Was he living up there just across the river from this Mr.Thompson place? A I didn't see him.
Q Did you see him the next spring? A No sir.

BY MR. STARR:
Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth ofthe witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection willbe noted.

A Yes sir.
Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:
Q Have you ever testified in this case before? A No sir.
Q How far do you live from Moss Hardrick now? A 40 miles I reckon.
Q Have you lived that distance from him for the last 8 years?
A Yes sir.
Q Have you seen him frequently during that time? A Yes sir, I have seen him.
Q Did you see him a number of times when the Commission was making the Cherokee roll out in Muskogee? A Yes sir.
Q Did he ever say anything to you at that time about getting you to testify for him? A No sir.

WITNESS EXCUSED.

LEP BOWLING, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A Lep Bowling.
Q About how old are you? A About 56 years old.
Q What is your post office address? A Gentle.
Q Where were you living in the winter of 1866? A I was living on Grand River.
Q Were you acquainted with Moss Hardrick before the war? A Yes sir.
Q Did you know Jeff Lyons before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q And Tom Moore? A Yes sir.
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time, along about winter, something long after February, '66, something along there.

Q February, 1866? A Yes sir, as near as I can come at it, along in the winter.
Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
Q Where did you see him? A I saw him up there at the Thompson Place.
Q What Thompson place? A Dr. Thompson place.
Q Did you ever go to school there? A Yes sir, I went to school there.
Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
Q When was that school going on there? A Something along near that time or little after, along about that time
Q About what time? A February or March, something along there.
Q Now that was February or March of what year? A '66, that is as near as I can come at it.
Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
Q When was the first time you saw Mose Hardrick? A It was sometime shortly after that. I just don't exactly know the date but a short while after, I saw Mose Hardrick, must have been alongin the latter part of that month, but it was shortly after wards, it was in the winter.
Q Were they moving in there or living there? A They were moving in.
Q Do you know where they were moving in? A They were coming from across the river.
Q You say that that was in February, or about February I believe, 1866? A Yes sir.
Q Did that follow the year 1865 or was it, —I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
Q That followed then the Christmas of 1865? A Yes sir.
Q That followed the fall of 1865? A Yes sir.

BY MR. HASTINGS:
Q Can you read and write? A No sir.
Q Never could read? A No sir.
Q You were a slave yourself? A Yes sir.
Q Did you know Jennie Downing, who was on the stand? A Yes sir.
Q She is your wife? A Yes sir.
Q Where were you living at the time you say you saw Jeff Lyons first?
A I was living down in the bottom below old Dr. Thompson place.
Q How far? A About 3 miles.
Q Did you see Andy Frye up there at that time? A Yes sir.
Q Did you see Nels Moore up there? A Yes sir.
Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Is Jennie your wife now? A Yes sir.
Q Do you live together? A Yes sir.

BY MR. PATTEN:
Q When did you come down here Neb? A I come here in the early part of 1868 or '66.

Q Now which was it? A Which?
Q When did you move on that Thompson place or in that neighborhood, where you were living? A In '66.
Q What time of the year? A Along in the fall. My father was already living there.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q You are certain that that was February 1866 and not February , 1867? A It was February '66.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Thomas H. Moore.
Q What is your age? A 55
Q What is your post office? A Ketchum, I.T.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.
Q Where were they located? A One is on the south side of the Grand River and the other on the northwest side of Grand River.
Q Do you know where the Dr. Thompson place is located? A Yes sir.
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.
Q Now where is the other one? A I would call it on the north side the way the river runs.
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.
Q Did you see Jeff Lyons any time after the close of the Civil war? A Yes sir.
Q Where did you see him? A At the Dr. Thompson place.
Q When was that? A In the winter of '66.
Q What time in the winter? A Sometime along after Christmas.
Q How long after Christmas? A A short time.
Q Well about what month was it? A About January I reckon.
Q Where was he then? A He was up at the Thompson place.
Q Did you see Mose Hardrick? A Yes sir.
Q When was that? A He lived at that Thompson place too.
Q What place did he live on? A He lived on the same place.
Q That is on Dr. Thompson's place? A Yes sir.
Q When was it you saw him there? A It was along that same spring and winter.
Q What kind of a house was there on that Dr. Thompson place? A Brick house.
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.
Q Who else? A Mose Hardrick lived in one.
Q Who else? A Jeff Lyons lived there.
Q Any one else? A Tobe Schrimsher.
Q Who else? A Peter Williams.
Q Butler McNair there? A Yes sir, and Uncle Tom lived there.
Q What time was it that Andy Frye went into that house? A In the fall.

Q Of what year? A '66.
Q He lived there th t wint·r did he? A Yes sir.
Q Now was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.
Q Was there any school taught there? A Yes sir.
Q Who was the teacher? A Mrs. Lynch now, she was---
Q What is her first name? A Cynthia Lynch.
Q Did you go to that school? A Yes sir.
Q Do you remember Mike Moore, whether he went to that school or not?
A Yes sir.
Q When did he go to that school? A That spring of '67 as near as I can remember.
Q Did he go all of the season? A Yes sir.
Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.
Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.
Q When did you see Butler McNair around there? A That was sometime in the early part of that same spring they were farming there, all making crops there.
Q Did Butler McNair have his wife with him when he come down here?
A No sir, I don't think he did.
Q When did she come? A I don't know.
Q Did you ever see her? A Yes sir.
Q When? A Why later, after that.
Q Good while afterwards? A Yes sir.
Q Did old man Tom Moore bring his wife down there when he first come? A No sir.
Q When did she come? A I think the next fall after he made a crop.
Q Did he go back to Kansas and get her. A Yes sir.
Q Where did Butler McNair move when he left the Dr. Thompson place?
A Down the river some place to the old home place where he used to live.
Q Where did Tom Moore go to from there? A Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:
Q What year were you born? A 1851.
Q You was just a boy then at the close of the war? A Yes sir.
Q You were a slave were you? A Yes sir.
Q Could you read and write when the war closed? A I couldn't very much, have learned a little since then.
Q I said when the war closed? A No sir.
Q Did Andy Frye have any children to die besides Harvey? A I don't know.
Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.
Q How long after Harvey died? A I don't know.
Q Two years or 10? A I don't know.
Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.
Q Do you know who dug the grave? A I wasn't there. I was at the burying.
Q At the other children? A I was at the burying when they buried Joe.
Q Was he a girl or boy? A He was a man.
Q Do you know when he died? A I don't know the year.
Q But you were at his burial? A Yes sir.
Q You were there in the neighborhood when he died? A Have been there all my life.
Q You don't know who dug that grave? A The neighborhood dug it that is certain person.

Q Well did Mose Hardrick have any children to die? A Yes sir, he has got dead children.
Q What were their names? A Got one dead named Winnie.
Q Now who dug these graves for Mose Hardrick's children? A Why all the nieghberhood the men around there.
Q You don,t know who did it? A Just all of us.
Q N@ particular one? A No sir, a whole lot of us.
Q What year was it? A Somewhere a way back yonder in them days.
Q Can you come in 10 years of when either of them died?
A This girl when she died she was about grown, and I guess it has been about that long since she died.
Q It has been about that long? A May be longer, I don't know.
Q I am asking you if you can give us an estimate of within 1 0 years, of when she died? A I don,t know when she died or anything like that.
Q Didn't keep any record of these dates? A No sir.
Q Are you related to Mose Hardrick? A No sir.
Q Are you related to Jeff Lyons? A No sir.
Q Are you related to these Moore children? A Yes sir.
Q Do you know Mike Moore? A Yes sir.
Q What ki n is he to you? A Yes sir.
Q You knew his mother Mahala? A Yes sir.
Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and get her.
Q Then about how old was Mike when the war closed? A I don,t know, might have been 7 or 8 years old, maybe older, I don't know.
Q What is your best judgment? A About 8, maybe 10.
Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
Q You don,t know what year he was born? A No sir.
Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
Q What place did you come to? A Stopped at Johnson Thompson place.
Q How long did you stay there? A About four weeks.
Q Then ~~mk~~ where did you go? A Moved across the river to the Bob Daniels place.
Q Was that across the river? A Yes sir, on the south side of the river.
Q How long did you stay there? A I don't know exactly how long we stayed there, just a shor t time.
Q Where did you come to from there? A Fort Gibson.
Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
Q Stayed there from the winter of 1866 until the spring of 1867?
A Stayed there until the spring of '66, until the winter of '66 to the springg then we moved back.
Q Then you remained in Fort Gibson until the spring of '66? A No sir, we were up-------
Q How long did you remain in Fort Gibson? A Stayed there,-- we remained there a couple of months maybe a little longer, I don,t know.
Q Well what time did you go there? A Went there that winter. Winter after Christmas and stayed there until spring, then we moved back up to this Daniels place.
Q To the Bob Daniels place? A Yes sir.
Q Which Bob Daniels place did you move to? A The oneon the east side of the river.
Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

Q Now about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
Q Did you make a crop there in the spring of 1866? A Yes sir.
Q Where were you in the spring of 1867? A There on this same place.
Q Did you make a crop there in the spring of 1867? A Yes sir.
Q When did Bob Daniels come back? A In the fall of '66.
Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
Q About what month? A I don't know what month.
Q What was Bob Daniels' wife's name? A Ann Daniels.
Q Did he have any children? A Yes sir.
Q What were their names? A Ose, Dick, Tommy, Isaac.
Q Mrs. Strout one of them? A Yes sir.
Q She was up there when you moved out? A Yes sir, and Susie was one of them.
Q They moved in there in the fall of 1866 when you moved out?
A Yes sir.
Q About what month was that? A It was in the fall.
Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
Q About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
Q What time was it Jeff come there? A In the winter.
Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and these others?
A They were all living there.
Q Haven't you already swore that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
Q Well now you moved out of the Bob Daniels house in the fall of 1866? A As near as I remember.
Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place? A Yes sir, a little bit of a house.
Q A log house or cabin? A Yes sir.
Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
Q When you saw Jeff and his wife and Mose Hardrick and Mose's wife, is that the way of it, along about Christmas time? A They all lived there before that.
Q Haven't you swore that you never saw them until the winter? A Saw them the winter of '66.
Q Haven't you swore that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
Q Now don't the fall come before winter? A Yes sir.
Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that. Them people were all living there before we moved out.
Q You moved out of the house in the fall of 1866? A Yes sir.
Q You are a half brother of Mike, are you? A Yes sir.
Q Are you any kin to Nels? A Yes sir.

Q Have you and Nels been ~~xxx~~ discussing the case? A No sir.
Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether you did or not.
Q Were you not? A I don't know.
Q Do you deny talking about it? A No sir, might have been talking about something else.
Q This same man Nels is a witness here? A Yes sir.
Q You have talked about it? A Yes sir.
Q You and Andy Frye have talked about it? A Yes sir.
Q Are you married? A Yes sir.
Q Certain of that? A Yes sir.
Q I am glad you are certain of something. What year were you married? A Married in '91.
Q Was that the first time you were ever married? A Yes sir.
Q Then you lived single up until that time? A Yes sir.
Q Just went from place to place up there? A No sir.
Q Do you know when the Wallace roll was made? A Yes sir.
Q What year? A Made in 1889.
Q Who told you? A I was there.
Q Did Cale Starr tell you today? A No sir, I was there.
Q Has he ever told you? A Has he?
Q Yes, in the last few days? A No sir, he didn't tell me.
Q Has it ever been discussed? A No sir, I don't know nothing about it.
Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
Q Then where did you go? A Right where we have been living ever since.
Q How far is that from them? A About three miles.
Q What direction? A Why it is northeast.
Q What time did you move up there, what time of the year? A We moved up there in the spring.
Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
Q It is a long time ago aint it Tom? A Yes sir.
Q You were a small boy at that time? A Yes sir.
Q You had no reason to fix these things on your mind and you didn't know you were going to testify about 40 years afterwards? A No sir.
Q So you might be mistaken about it? A Yes sir.

BY MR. STARR:
Q When did you say you were born? A '51.
Q You were about 15 years old at that time? A Yes sir.
Q Now was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall---
Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
Q Where were you living when Harvey Frye died? A Living where I live now.

Q Well now at this time that Harvey Frye died were you going to school at this Dr. Thompson place? A Yes sir.
Q Was Andy Frye and his family living in the Dr. Thompson house then? A Yes sir.
Q How about the school when Harvey died, did they teach school that day? A No sir.
Q Turned out school on that occasion? A Yes sir.
Q Did the pupils going to school attend the funeral? A Yes sir.
Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to school.

BY MR. HASTINGS:
Q That was after you moved off of the Bob Daniels place? A Yes sir.
Q And that was after Bob Daniels had moved into the same house you moved out of? A Yes sir.
Q About how long after that? A It was along in February, that spring, the spring of '67
Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir.
Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:
Q When did Bob Daniels move up there? A He moved there thatfall we moved out as near as I remember.

W I T N E S S E X C U S E D .

SIMON LYNCH, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A Simon Lynch.
Q How old are you? A 76.
Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:
Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
Q Convicted? A Yes sir.
Q Served your time? A No sir, I didn't .
Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was reprieved.
Q Didn't you work it out for individuals and you worked of Johnson Thompson at Tahlequah? A I was reprieved by the Chief.
Q Did you ever swear that before on the stand. A No sir, but I was.
Q What year was that? A I don't know what year it was.
Q Was it since the war? A yes sir.
Q How long after the war? A I don't know.
Q Don't have any idea? A No sir.
Q Was it after the Cherokee Jail was built or before? A Afterwards
Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
Q How long were you sentenced down there? A Year.
Q What Judge tried you? A I forget what one it was.
Q What Chief reprieved you? A Chisholm.

BY MR. PATTEN:
Q You testified I believe didn,t you in the Mayfield that you were pardoned by Ochelata? A Yes sir.
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q Jeff Lyons? A Yes sir.
Q Tom Moore? A Yes sir.
Q Do you know when was the first time you saw Mose Hardrick after the close of the war, about the time? A I don't know exactly the time.
Q When was it and where was it? A Upon Grand River.
Q About what time of the year? A About in February, I believe, the first of pebruary I think I saw Mose first.
Q Where was he living? A Living over there at Dr. Thompson place right close there in abouse.
Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
Q That was about when did you say? A Just awhile before Christmas.
Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that on different sides of the River. A Yes sir.
Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:
Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
Q You don't know what year you were reprieved? A No sir I don't I can't keep no record of that, never did, couldn't.
Q Couldn't do that? A No sir.
Q You don't know one year from another, do you? A Yes sir, I do.
Q Can you read and write? A No sir.
Q You were a slave yourself? A Yes sir, I was.
Q Do you know this Tom Moore that was on the stand awhile ago?
A Yes sir.
Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place there on the river with his mother and father.
Q Did he move out of there in the fall of 1866? A Who?
Q Tom Moore, A I don't just know when he did move out of there.
Q You don't remember about that? A No sir, I lived at another place.
Q How far did you live from there? A About four miles.
Q Were you married then? A Yes sir.
Q Have you had any children born since? A Yes sir.
Q Since then? A Yes sir.
Q When was the first one born? A I don't know that.
Q How many have you had born since the war? A Three I believe.
Q When was the second one born? A I don't know, I don't tell you.
Q When was the third one born? A I don't know that either, never kept no record of no time.

Q Did you ever have any renters on your place? A Yes sir .
Q What renter was on there in 1883? A I don't know.
Q What renter was on there in 1876? A Nare one, myself.
Q Was any there in 1896? A Yes sir.
Q Do you know when Bob Daniels come back up there? A Yes sir.
Q When? A I don't know when it was, I know he come back up there.
Q On the Bob Daniels place? A Yes sir.
Q Why don't you know when it was, you were in that neighborhood?
A I wan't keep no record of anything of that kind. How I know how old I am is about my owners putting it down.
Q That is about the only date you know? A No sir.
Q You know what year Johnson Thompson come back up there? A I knew when he first come.
Q What year did he move up there? A I don't know, I seen him when he first come.
Q What year did he move his family up there? A I don't know.
Q You were just acquainted with him before the war? A Yes sir, knowed him good.
Q He moved right across the river from Dr. Thompson's place? A Yes sir.
Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.
Q Could you tell within two or three years of when he come? A No sir, I don't k believe I could.
Q You couldn't tell within two or three years when Bob Daniels come? A I don't knew when he did come, he come way after we did.
Q What year was it that Tom Moore moved off the Bob Daniels place?
A I don 't know.
Q Haven't any idea about that? A No sir.
Q Well was Butler McNair living there at the same time you first saw these people? A He come in about the same time.
Q Before Christmas, 1866? A Yes sir.
Q What was Butler's wife's name? A He didn't b ring her there with him, he left her in Kansas and come down here and made a crop.
Q What was her name? A I forget her name .
Q Did Jeff bring his wife? A No sir.
Q Left her in Kansas did he? A Yes sir.
Q Left Mike in Kansas too? A I don't recollect about Mike.
Q You don't never remember seeing Mike? A Yes sir, I do.
Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.
Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.
Q Well how long after Jeff and Moss come before they brought their families? A After they made a crop, the next fall.
Q When did Tom Moore bring his family? A Fetched them together.
Q In the fall? A Yes sir.
Q So some of them didn't bring their families until the next fall?
A Uncle Butler didn't , the balance did.
Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. Them other two didn't bring their families.
Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.
Q What was her name? A Mahala.
Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.
Q Did you ever see him after that? A Yes sir.
Q How long after that? A I don't recollect.

Q A year? A It might have been a year and it might not.
Q When did you see Moses family? A I seen them right along all the time ever since in the fall.
Q Did he have his wife with him? A Yes sir.
Q Did Mose live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.
Q He never lived in a main house there? A I don't know nothing about that.

W I T N E S S E X C U S E D .

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Tobe Bean.
Q What is your age? A About 70.
Q What is your postoffice? A Ketchum.
Q What is your citizenship, are you a citizen of the Cherokee Nation?
A Yes sir.
Q Where were you in the fall of 1866? A Down here on Grand River.
Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Acquainted with Mose Hardrick? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil war? A About in '67.
Q What time? A In February.
Q Where was he at that time? A Over there at that Thompson place in the brick house.
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn't see her at that time.
Q Did you see Mose Hardrick over there? A Yes sir.
Q When was that ? A The same time I saw Jeff.
Q What time was that? A In February.
Q What part of February? A Along about the first of the year.
Q The first of February of 1867? A Yes sir.

BY MR. HASTINGS:
Q Tobe you were a slave before the war? A Yes sir.
Q Your name is Tobias Bean? A Yes sir.
Q You kn never went to school any? A No sir.
Q You didn't at the close of the war know one year from another?
A Only people would tell me.
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.
Q Never kept any record? A No sir.
Q And you haven't kept any record of this transaction? A No sir.
Q You are just testifying independently of any record? A Just what I know.
Q Did you know young Tom Moore who has testified in here today?
A Yes sir.
Q Where was he living when you first saw Jeff Lyons and his wife?
A Over there on the other side of the river.
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.
Q On the Mr. Thompson place? A Yes sir.
Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Frye's house.

Q Where did you see Tom Moore, this fellow that testified? A He was there in the neighborhood somewhere.
Q At what place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
Q What was this step-father's name? A Lewis Rowe.
Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
Q When was that? A Must have been in '67.
Q What time of the year? A Along in the spring I guess.
Q Had he moved out of this place before you saw Jeff Lyons and Mose Mardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
Q Just happened over there by accident? A I had some business there.
Q You saw Jeff's wife? A I don,t think I did.
Q Never saw Mose's wife there? A No sir.
Q It has been a long time ago hasn't it Tobe? A Yes sir.
Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
Q Have you had any children born since the war? A Yes sir.
Q What year was the first one born? A In '66.
Q What time in 1866? A In April.
Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '80. I think.
Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
Q When was the next one born? What year? A '78 I think.
Q Which comes first, '78 or '80? A '78.
Q nWell I thought you said just now the one born in '80 was first ?
A That one was born,--the girl was born in '80, the boy was born about '88.
Q ..ow how far is the Johnson Thompson place from this Dr. Thompson place ? A A couple of miles the way you go around.
Q Just across the River aint it? A Yes sir.
Q When did Johnson Thompson come back? A I don't know.
Q Could you tell within five years? A Yes sir, I guess I could. Came back in about '67 I guess, '68 somewhere along there. I didn,t live right close to where he lived.
Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
Q You didn't see Mose's wife when you went up there? A No sir, not the first time.
Q How long was it that you did see his wife? A It was a way along in the spring.
Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
Q Now you just remember of your own independent recollection of seeing this fellow when you passed there? A I stopped and talked with him .
Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
Q Who else that didn't live there? A Uncle Lewis Rowe.
Q Up at the Dr. Thompson place? A Yes sir.
Q Live there? A No sir, I just went there and stopped and saw him there.
Q In 1867? A Yes sir.

Q Where were you going? A Up to Andy's.
Q I thought you said you were passing there? A I did pass there.
Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
Q Don,t you know Moss and his wife was living in the house then?
A No sir, I never went in the house.
Q Did you see Tom Moore and his wife there, old Tom and his wife
A I don't recollect seeing them.
Q Didn't recollect seeing Butler and his wife? A No sir.
Q You don't recollect that? A No sir.
Q You testified before the Commission at Chelsea on June 12, 1901, in the matter of the application of Ben Adams didn't you? A Yes sir.
Q You testified that his father's name was Warren Adams? A Yes sir.
Q You testified that his mother's name was Ibbie? A Yes sir.
Q And you testified they they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
Q What time did you say you saw them? A In the early spring.
Q What month? A In March.
Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer, "Yes sir." "Where did they go up on Grand River,""How do you know they returned in 1866," Answer, "I saw them,? I will ask you if you didn,t testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
Q You can say yes or no? A It was '67 I testified to.
Q You swear you didn't say it then? A Well I swear it——
Q And you don,t know when Bob Daniels come back? A No sir.
Q And you don, t know when Johnson Thompson come back? A I was living down the river.
Q They located within a mile of this Dr. Thompson place? A Yes sir.
Q And you can't tell within a year of when they came? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't recollect of these things like you folks.
Q Who asked you first to testify in this case? A I don't know who. I have been testifying ever since Bob Daniels' Court.
Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
Q Bob Daniels was an educated man? A Yes sir.
Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

W I T N E S S E X C U S E D .

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McNair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Nelson Moore.
Q What is your age? A Will be 83 my birth day.
Q What is your post office? A [illegible].

Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Were you acquainted with his wife? A Yes sir.
Q What was her name? A Mahala.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Are you acquainted with the applicants, Altha and Oscar Moore?
A Yes sir.
Q Who is their father? A Mike Moore.
Q Are you acquainted with Butler McNair? A Yes sir.
Q Acquainted with his wife? A Yes sir.
Q Acquainted with Tom Moore? A Yes sir.
Q His wife? A Yes sir.
Q Did you see Jeff Lyons after the close of the Civil War in the Cherokee Nation? A Yes sir.
Q When was that? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
Q The latter partof December, 1866? A Yes sir.
Q Or January? A January first.
Q The following January after December, 1866? A Yes sir.
Q Where was he then? A On the Dr. Thompson place.
Q Who did he have with him? A His wife, Mahala, and Mike Moore.
Q And who else? A Agirl named Anika, his stepdaughter.
Q How long did he stay over there? Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
Q How long did he stay on that Dr/ Thompson place? A He made a crop there.
Q What year did he make a crop on the Dr. Thompson place? A '67.
Q Did you see Butler McNair at any time down there? A Yes sir.
Q When was that? A That was in the same year.
Q What time did he come? A He come along about the winter time too.
Q Who come with him? A Uncle Tom.
Q Tom who? A Moore.
Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
Q Did he come the same time Jeff Lyons came? A Yes sir.
Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
Q When did Butler McNair's wife come? A The same time after they made a crop in '67.
Q Where did Tom Moore move to after he left Dr. Thompson's place?
A Right out about a half a mile south of there and made a new place there.
Q Make a place of his own? A Yes sir.
Q How long did he live there? A Why he lived there up until he died in '85.
Q You say a girl named Anika was stayin with Jeff Lyons? A Yes sir
Q Did you see a woman named Peggie Durant with that crowd? A No sir.

BY MR. HASTINGS:
Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February 8, 1902, are you? A Yes sir, I guess I am the same fellow.
Q You gave your age 4 years ago as being 48 and your post office Ketchum A Yes sir.
Q And your District Delaware District? A Yes sir.
Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
Q Are you related to Mike Moore? A He is a half brother of mine.

Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S E X C U S E D.

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Arthur Bean.
Q How old are you? A 63.
Q What is your post office address? A Chaffee, Indian Territory.
Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas a awhile.
Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
Q You meanthe winter? A Of '67.
Q You mean that was following the Christmas of '66? A Yes sir.
Q Where did you see him? A Down to,--I seen Mose down in that country.
Q Mose who? A Mose Hardrick.
Q Where did you see him? A Down to Uncle Fred Martin's.
Q Where is that? A Down to Greenbriar.
Q Where was Mose living at that time, do you know? A He said up in the Arsenic settlement.
Q Where was it? A About 8 miles above where we were.
Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. I didn't see Jeff the time I seen Mose, saw Jeff later on.
Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
Q Of what year? A '67 I guess.
Q Do you know where Tom Moore and Butler McNair were at that time?
A No sir.
Q When was the first time you saw them? A I never seen them until way after that.
Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:
Q You never saw neither Mose nor Jeff until February, 1867? A Yes sir.
Q That is your first time? A Yes sir, as well as I recollect.
Q You are now testifying from your independent recollection, you haven't got anything to guide you by? A I never did have nothing to guide me by, only what I have to testify about.

Q That has been a long time ago? A Yes sir, so it has.
Q And it is pretty difficult to testify about things that happened, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
Q Can you read and write? A No sir.
Q You were a slave before the war? A Yes sir.
Q Where was this young Tom Moore living when you first saw Mose and Jeff? A I don,t know sir, he must have been living with his Uncle Tom.
Q Were you acquainted with Mose before the war? A Yes sir, lived about two miles of him.
Q Before the war? A Yes sir.
Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
Q And Joe? A Yes sir.
Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Mose asked me to come down on his case.
Q When? A About a year ago I guess. I never went before the Commission on Moses case at all and he asked me to testify for him in the case.
Q Where were you when he asked you? A I don't know where we met very frequently at visits.
Q What month was it he asked you to testify? A I don't remember what month that was.
Q And that was about a year ago?A Yes sir, and I didn't know any more about the case until he come to me and told me.
Q You don,t remember what month it was? A No sir.
Q If you can't remember a month that happened a year ago how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
Q You were about 25 years old then? A Yes sir, I guess so.
Q Are you married? A Yes sir.
Q When were you married? A I guess in about '68, I guess, or '67.
Q You don't remember the year? A No sir.
Q You couldn't tell that? A I couldn't tell, I have got it in my book.
Q But you cannot tell that independently? A I was married in '68 if I mistake not.
Q Was it 1867 or '68? A I think it was '68.
Q Are you positive about it? A I am pretty near positive but I wont be sure. If I was at home I would tell you, I would go by my book.
Q You are not willing to trust your memory as well as you are the book? A No sir.
Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
Q I am asking you now when your first child was born? A I couldn't tell x about that.
Q How many children did you have? A I got two children living and 4 or 7 or 8 dead.
Q When did your first child die? A That has slipped my remembrance
Q It has been a good long while? A Yes sir.
Q You couldn't trust your recollection to that could you? A No sir.
Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
Q When did Bob Daniels come back up in that country? A About '67.

Q What time in 1867? A I don,t know just what time.
Q In January? A It might have been January, but it was in that year sometime I think.
Q Well do you think it was in January or December? A I don't know, I couldn't say which year it was. It might have been in September and it might have been in October, I don't know just what time it was.
Q You said it might have been in January awhile ago? A It might have been and it might have been some other month.
Q What time did Johnson Thompson come back up there? A I don't remember just what time he come.
Q You don't remember the year? A No sir.
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with these boys, Tom Moore and old man Moore then.
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.
Q How long afterwards before you saw old Tom Moore? A Not very long.
Q Five years? A I guess it might have been a shorter time than that.
Q Your best judgment, what was it? A I don,t know anything about when I seen Tom.
Q Well now your brother Joe married? A Yes sir.
Q What year did he marry in? A I couldn't tell you that, he has been married twice.
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S E X C U S E D .

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Andy Frye.
Q What is your age? A Either 73 or 74.
Q What is your post office? A Ketchum, Indian Territory.
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.
Q On what place were you living? A I was living on the Thompson place.
Q Known as the Dr. Thompson place? A Yes sir.
Q What time did you move on to that place? A I moved there in October.
Q What year? A '66.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.
Q Were you acquainted with him when the war came up? A Yes sir.
Q When did you see him after the close of the Civil War? A See him in '66,--along in '67.
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson,s place along in February, '67.
Q What time in February? A Along about the first of February.
Q How long did he live on the Dr. Thompson place? A He made one crop there.
Q Where did he go to from there? A Just south of there, I don,t know how far.
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the river bottom.

Q Bob Daniels is the same man that sat on that Court in 1871? A Yes sir.
Q And he owned this Mahala Lyons? A Yes sir.
Q And you say they come before any of these others that you have mentioned? A Yes sir.
Q You are positive about that? A Yes sir, I am positive, I know they did.
Q Where did Jeff and Mahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
Q Did Jeff work for Kell over there a while? A Yes sir.
Q About how long? A About three weeks.
Q That runed him over to the spring? A Runed him over until along in January.
Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
Q Well did he come over there? A Yes sir.
Q Did you permit him to make a crop over there? A Yes sir.
Q When did he move over to your house? A He moved over about the first of February.
Q Then he never lived at your house before the first of February, 1867? A No sir.
Q Then if any of these witnesses testified that he was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
Q Never come there did he? A He come in January to see me.
Q Never come there to live? A No sir, not until the first of February.
Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Mahala? A Yes sir.
Q How long after that before Butler McNair come? A He come back in the spring of '67, along in February, somewhere. Come in time to make a crop.
Q Well if Judge Clark and Nels Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings.

On Behalf of the Commissioner: The objection will be noted.

Q No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
Q You want dispute that? A No sir, we had green grass all winter.
Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
Q You ha ve got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
Q You are just guessing at it? A Yes sir.
Q Using your own independent recollection? A Yes sir, I think it was about that time.
Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
Q And you don't know when Bob Daniels come back? A I don't know the date he come back.

Q Who moved on to the Dr. Thompson place after you moved away?
A Mr . Parks.
Q Were you acquainted with Butler McNair? A Yes sir.
Q When did he come down in that part of the country where you were living? A He come down there in '67, in the spring of '67.
Q What time in 1867, what month? A Along in February.
Q Did he have his wife with him? A No sir.
Q What was his wife's name? A Betsey.
Q Where was she then? A In Kansas.
Q When did she come? A She come along in July or September, somewheres along there.
Q Did Butler come back after her? A Yes sir.
Q Now w when Tom Moore came, when was that? A Him and Butler come together.
Q Did Tom Moore bring his wife? A No sir.
Q When did she come? A The same time Butler went back and brought her. They went and come together.
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.
Q Built a home of his own? A Yes sir.
Q He and his wife live down there? A Yes sir.
Q Did you see a woman named Peggie Lynch or Durent down in there at that time? A No sir.
Q She didn't come with that crowd at that time? A No sir.

BY MR. HASTINGS:
Q Jeff Lyons didn't come with them did he? A He come before they did.
Q What is Jeff's wife's name? A Mahala.
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On Behalf of the Commissioner: The objection will be noted:

Q What time did Jeff Lyons bring his wife down her? A It was along in December, sometime before Christmas.
Q Then Jeff and Mose didn't come together? A No sir.
Q Mose come after that? A Yes sir, he come after Jeff come.
Q When did Mose bring his wife down there? A Mose brought his wife with him when he come.
Q The first time? A Yes sir.
Q That was in the spring of 1867? A Yes sir. I don,t know, it might have been along about the first of February, it was after Christmas.
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.
Q You are not positive as to that? A I cannot keep the dates.
Q If Wade Moore testified he come about the time grass comes up in the spring of 1867, you think he is about right? A I don't know.
Q You don,t want to contradict that? A I want contradict nothing.
Q This Mahala was a slave of Bob Daniels? A Yes sir.
Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.
Q How far was it from you where he located? A Only about a mile and a half.
Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I aint certain.

Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr.Daniels.
Q What time do you think Johnson Thompson come back? A I couldn't say I know he was there first.
Q Do you know whether she come in 1867 or '68, or '69? A He must have come in the fall of '66.
Q Did you testify before the Commission at Vinita on May 18, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
Q You don,t know whether you testified in that case? A I don't know, I might have, I think I testified for him somewhere.
Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
Q You testified did you in that case? A Yes sir.
Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
Q You are the same party who testified in that case? A Yes sir, I t s tified for Sam.

BY MR. STARR:
Q Bony Dan did come back in 1866? A Yes sir.
Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
Q One named Harvey? A Yes sir.
Q When did he die? A March 11, I believe.
Q What year? A That was in '67.
Q Who dug Harvey's grave? A Jeff Lyons.
Q Now where did Jeff Lyons live before he went on this Kell Place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
Q Had been camping there prior to when he went on Kell's place?
A Yes sir.
Q What was your next child's name that died? A Lula.
Q When did she die? A In '67.
Q What date? A Along in September, I don,t know exactly the date.
Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
Q You are not certain about that? A No sir.
Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:
Q You don't know what year he died? A I don,t know.
Q Who dug his grave? A There was several of them dig it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:
Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
Q Explain that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this Court and I told him he would have to pay me the money, or put up something as good as the money.
Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

Q How long did you attend before the Commission at that time? A There about two weeks before we get into it.
Q What was the mule worth? A I give Ben Tucker $12.50 for his part.
Q What part did he have? A I had $12.50.
Q The mule was worth $25.00? A Yes sir.
Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
Q What did they give you? A They allowed me $12.50.
Q How long did you attend the Commission then? A I think I was two or three days, about three days I think.
Q Now that three days attendance, yourmilage and time for the Cherokee Nation amounted to $12.50, did it? A Yes sir.
Q And about two weeks attendance in this other case, your milage and time only amounted to about $12.50? A That is all I got out of the mule.

BY MR. HASTINGS:
Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than $2.00 per day, and your milage? A Mr. Bell told me to make it 4 days, and I didn;t claim anything.
Q Who paid you? A Roland brought the check to me and we went down to the bank and got themoney.
Q Did you sign a pay roll? A No sir.
Q When was that? A It was along, I can't tell what time but I sure come down here, it was when that Grap Lynch's daughter, Bettie Cash was up.
Q Did Cale Starr give you that check? A No sir.
Q Wasit while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
Q Didn,t you never know he was? A No sir.
Q Never heard of it? A No sir, never heardof him being an official for the Cherokee yation. I know he was called an Attorney at Law but I never knew he was an official.
Q You never heard of that? A No sir.
Q Well whose name was signed to that check? A I don't know sir? I never lookedon the check to see whose name? Me and Roland went to the bank and he shoved his in and I shoved mine in and we got the money.
Q Do you know when it was? A I don't know, you know when that case of Bettie Cash was up.
Q Did the Cherokee Nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
Q Was the amount you got what you were entitled to for your time and milage, how far do you live from Vinita? A I considered that paid me for the time and milage.
Q How far do you live from Vinita? A 14 miles.
And it is 65 miles from Vinita to Muskogee, in the neighborhood of 80 miles, and yet say you got a check for $12.50? A Yes sir.
Q And you get pay for 4 days? A That is what he told me to claim, and I told you I didn;t claim nothing.
Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
Q Did you sign a pay roll? A I never signed nothing.
Q Do you swear that? A I never signed nothing.
Q You sign your name don't you? A No sir.
Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
Q I am talking about the pay roll? A What pay roll?
Q The pay roll so that the check might issue on it? A I don't understand it yet.
Q You can't sign your name? A No sir.

Q then you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
Q And according to that you were out three days and 80 miles and you didn't get but $12.50? A That was all.
Q Did you make those other fellows you have testified for pay you? A Which?
Q You have testified in a good many cases? A Yes sir, they paid me.
Q All of them? A Some of them did and some didn't.
Q How much did you get in the gam Landrum case? A I have forgotten.
Q What other case? A There was several cases, I don't recollect who I did witne s for.
Q You don't remember any other cases? A No sir.
Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than $25.00 at the ti e you took it? A I said I couldn't get more than that because he was balky.
Q What did you think he was worth when you were getting it? A About $30.00.
Q And you s ld it $5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
Q Then you made a business of charging all those fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
Q Post office Ketchum? A No sir.
Q Never testified in that case? A No sir.
Q Well he never paid you nothing? A No sir.
Q Did you testify in the Aaron Martin case? A Yes sir.
Q Is that theone you got the mule in? A Yes sir.
Q Did you testify in the Sarah Ann martin case, or was that a part of the Aaron martin case? A No, thatwas separate.
Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
Q Did you testify in the Elias Downing case? A No sir.
Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
Q How do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
Q Did you testify in the peyton martin case? A Yes sir.
Q Did hepay you? A Yes sir, three or four dollars.
Q Do you know, do you remember how much he paid you? A About three dollars.
Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron martin folks at Vinita.
Q Is that the only place you testified? A Never testified for any one in Chelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me $10.00 for witnessing for his family.
Q Where were you going to witness at? A In the Korn-Clifton Court.
Q Witness for him then for $10.00? A Yes sir.
Q And you didn't get it? A No sir.
Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I didn't say there all the time, I went back and forwards.
Q What was the longest you ever stayed up there? A Not over two days at a time.
Q How long were you there when you testified for Aaron? A About two days then, I went home and came back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
Q Did you get any other mules in any other cases besides that one? A No sirm mules were two high, I couldn't go and get a mule every time.
Q What is the most you ever got for witnessing in a case? A That mule was the biggest salary I ever got for witnessing.
Q What did you get from George W. Lynch for witnessing for him whosepost office is Vinita and whose age was then 48? A I don't think I witnessed for George W. Lynch.
Q You don't think you ever witnessed for him? A No sir.
Q Did you witness for Harriet Tucker? A She was inthe Aaron Martin family.
Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
Q It was yourhabit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay me.
Q If you were hanging around you charged them if you testified? A No sir, ifthey wanted me to testify for them I went in and testified.
Q Who are paying you now? A These men got me to come and witness for them, I expect them to pay me.
Q How much did they say they would pay you? A I don't know, they haven't said.
Q Did they pay your fare? A Yes sir.
Q Who? A This man.
Q Who are these men? A Starr & Patten.

BY MR. PATTEN:
Q In the case you testified in, in which you get a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

W I T N E S S E X C U S E D .

THOMAS M. MOORE RECALLED:

BY MR. PATTEN:
Q State your name? A Thomas M. Moore.
Q Did you testify in this case awhile ago? A Yes sir.
Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
Q What is it? A I want to withdraw one I made a statement in '66, I want to make it '67.
Q What was that about? A Bob Daniels moving in in '66, in '67 is when he moved in.

BY MR. HASTINGS:
Q Who did you talk to about this since you left the stand? A I got to studying it over myself.
Q You talked to Mr. Patten about it? A Just now, yes sir.
Q Before you came back on the stand? A No sir.
Q You swear that you haven't talked to him out there in the hall before you come back on the stand? A No sir.
Q How did he know, how did he come to call you back here then? A I come back myself. I got to studying about where we were at that time and I knew that I made a mistake.
Q Were you not right out there when Andy Frye was on the stand and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we come from there down to this school house.
Q All those witnesses are out here in the hall? A Yes sir.
Q You have all been talking about it out here in the hall? A Yes sir.
Q You have talked to Starr or Patten out here in the hall about this case? A No sir.
Q You testified that you saw Moss Hardrick here in the winter of 1866, in February? A '67 I mean.
Q You swore awhile ago 1866 and Mr. Patten asked you over and over?
A I know I did, that is what I am trying to get straight. We lived up where I live now and we come down to this school all this time.
Q Mr. patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.
Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.
Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.
Q And it was in the fall of 1867 Bob Daniels moved in and you out?
A Yes sir.
Q You are certain that that was November I believe you said? A Did I say November.
Q You said fall, October or November? A It was in that fall anyhow.
Q Of 1867? A Yes sir.
Q That is when Bob Daniels moved his family up there? A Yes sir.

WITNESS EXCUSED.

APPLICANTS REST.

The following testimony was taken on behalf of the Cherokee Nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, Freedman doubtful 292 be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum case.

On Behalf of the Commissioner: The objection will be sustained.

On Behalf of the Commissioner: Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1905, rejecting, among others, the applic ation of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D.8326-1903), and that a motion said case was filed May 29, 1906.

ELIZA A STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Eliza A. Strout.
Q How old are you? A 50.
Q What is your post office? A Vinita.
Q What was your maiden name? A Daniels.
Q were you a daughter of Bob Daniels? A Yes sir.
Q Isak he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
Q You are a Cherokee by blood? A Yes sir.
Q Through who do you get your Cherokee blood? A Father and mother both.
Q Did your parents own some slaves before the war? A Yes sir.
Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
Q Did you know her before the war? A Yes sir, I can remember her before the war, that is before she left us.
Q Who did she belong to? A My parents.
Q Did she have any children before the war? A Yes sir.
Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike weere.
Q He was born before the war? A Yes sir.
Q He was a slave of your parents? A Yes sir.
Q She wasn't the wife of Jeff before the war? A No sir, she come back here with Jeff.
Q How did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Cheetaw Nation.
Q How when did you folks come back from the Cheetaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and we stayed there all winter and then come back up home on Grand River in March, 1867.
Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
Q Was it on the same side of the river? A Yes sir, on the east side.
Q And about a mile from the Dr. Thompson place? A Yes sir.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir, he married my sister.
Q Do you know where the Johnson Thompson place was? A Yes sir.
Q Where was this Dr. Thompson place with reference mix to your father's place and the Johnson Thompson place? A It was right between the two.
Q Then you had to go by the Dr. Thompson place in order to go to your Aunts, who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
Q Did you visit backwards and forwards frequently? A Yes sir.

Q Now was Wahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
Q Was she in that neighborhood at that time? A No sir.
Q She was your old slave?? A No sir, she was not there.
Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it?
A No sir, I don't think she could.
Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don't know whether he passed on it or not, I guess the record shows it.
Q He was a member of the Supreme Court in 1871? A Yes sir.
Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
Q He lived there until he died? A Yes sir.
Q You know how long afterwards before you first heard of Wahala coming back there? A No sir, I don't know x exactly how long but I don't think it was right soon. I am pretty certain it was not.
Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
Q That was your impression from knowledge you gained at that time?
A Yes sir.

BY MR. PATTEN:
Q I believe you say you are about 50 years old? A Yes sir.
Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
Q When was that? A I just now said it was in 1867.
Q What time of the year?? A In March when we come down on the river.
Q You say Wahala was the slave of your father? A Yes sir.
Q You say she had one child before the war? A She had more than one.
Q Can you give the name of one? A She might have had more than I knew of.
Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
Q How old were you at that time? A At what time.
Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
Q And you were about 6 years old at that time? A I guess so.
Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Wahala left us, it was during the war.
Q And you were only about 10 years old at the close of the war?
A I can remember when I was 6 years old.
Q Whose slave did you say Wahala was? A I guess she belonged to my father and mother both.
Q Did she belong to them at the commencement of the war? A Yes sir.
Q And they were Cherokee citizens ? A Yes sir.
Q Now you say you came back home there in the spring of 1867, in March? A Yes sir.

Q Do you know where Judge Clark was living when you come back?
A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.
Q Do you remember where L. B. Bell was living when you come back?
A No sir, I knew where he lived afterwards.
Q Where you moved to when you come back how far was that from the Dr. Thompson place? A A mile.
Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson,s wife was my mother's sister, and so was Dr. Thompson's wife.
Q Did you go by the house? A Yes sir.
Q Was it on the road? A Yes sir, of course it was on the road.
Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
Q Can you name them? A I knowed Andy Frye and Al Lynch.
Q Who else? A I don't remember anybody else.
Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don,t think he was married then.
Q You are certain that was the spring of 1867? A Yes sir.
Q Who else besides Andy Frye and Al Lynch? A I don't remember There was an old colored man named Tebe Schrimsher.
Q Were there any one else besides these three? A I don't remember anybody else.
Q Do you remember whether Butler McNair was there? A I don't know anybody by that name.
Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
Q Old man Tom Moore? A Yes sir.
How do you know he wasn't living there? A Because I didn't see him.
Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don,t see how he could be there without my seeing him when I passed there.
Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
Q You were about 10 years old? A I said I was about 12.
Q There were some colored people living at that house and you didn,t know who t hey were? A I know Tom Moore wasn,t there.
Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know the names.
Q How do you know you saw them all? A I knew I must have.
Q You are just guessing at that, taking it as a conclusion? A Now are you stating from what you actually know or what you take as matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish questions as that.

On Behalf of the Commissioner: Just answer as near as possible the question as asked.

A I know I saw them when they all came back, and it wasn't when we came back. I saw them afterwards, about 1868 or '67.
Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasn't there when we came back.
Q I am not asking you that a question? A I couldn't tell you just the date I saw her.

Q You say you saw her when they all come back? A I saw them when they were living there.
Q About when was that? A I don,t know when it was.
Q Was it 1868 or 1869? A It was 1867 or '68.
Q What time in 1867? A I always thought it was 1868.
Q Do you know what year it was that they lived on that Dr. Thompson place? A I know it was not in 1866.
Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
Q Do you remember when they first moved on that Dr. Thompson place? A No sir.
Q You don't know anything about whe n they come from Kansas? A I know they were not on that Dr. Thompson place.
Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don't.
Q But you undertake to say that Mahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
Q Who lived on that place or in the house prededing your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
Q Did he move in there just before you folks moved in? A Yes sir.
Q Did Nelson Moore ever live in that house, if you know? A No sir.
Q You don't remember when he lived there? A Nos ir.
Q Tom moore I mean instead of Nels? A They all lived in what use to be the colored people's house, but not in the house we lived in.
Q Was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
Q Who did he get out? A Arch Landrum.
Q You are certain it was Arch Landrum? A That is what my father said.
Q Didn't say whether Arch was the only one? A Didn't say about tha
Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
Q You came shortly after he came down there? A Yes sir.
Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
Q How do you remember it was 1867? A How do you remember anything?
Q I am asking you? A (No response)
Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? A You jus Undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don know any more than anybody knows one year from another.
Q Have you a pretty good faculty for remembering things that occurred in 1880 or '87? A Sometimes I do and sometimes I don't.
Q Do you know when the Kern-Clifton roll was made? A No sir.
Q You don,t remember that do you? A No sir.
Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
Q Some of those dates are pretty hard to remember, aren's they? A Indeed without they gentgot to remember anything, they ought to remember it.
Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place, is that the reason you remember it? A No sir.

Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I knew when the war closed, and how long we stayed down south before we come home, and then we came to Tahlequah and stayed there until the spring of '67.
Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
Q Where were you when the war closed? A In the Choctaw Nation.
Q How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
Q What year did you go there? A I think it must have been in 1862.
Q And you stayed there three years? A Stayed there until 1865.
Q What time in 1862 did you go? A I don't know.
Q You don't remember that? A No sir.
Q Do you remember the occasion of going? A Yes sir.
Q You say you stayed there about three years? A We stayed there until 1865.
Q What time in 1865? A I don,t know, I think it was in the spring.
Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
Q How long did you stay at Tahlequah before you came down there?
A I told you from that time until March.
Q The following March? A Yes sir.
Q Then you came to Tahlequah in 1865? A '65?
Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we came to Tahlequah in 1866.
Q Do you know what year you were born in? A 1855 so my mother said, I don't know whether I was or not.
Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S E X C U S E D :

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A James R. Dunlap.
Q What is your age? A 65.
Q What is your post office? A Carlile, Kansas.
Q How far is Carlile from Iola? A Five miles.
Q How long have you lived in the vicinity of Carlile and Iola?
A I first came there in 1864, moved there in 1866.
Q What time in 1866 did you move there? A Sometime in the spring, May or June.
Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did they live there in that vicinity? A Yes sir.
Q Did you at that time live in the town or in the country? A I lived in the country there.
Q About how far did Butler McNair live from you? A About a mile.
Q Live in a cabin over there? A Yes sir.
Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsy Butler was with my wife.
Q Was that Butler McNair's wife? A Yes sir.
Q Was that after this confinement you speak of ? A Yes sir
Q Was that the first child your wife had? A Yes sir.
Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
Q Have you a record of the birth of that child? A Yes sir.

Q Did you bring that with you? A Yes sir.
Q What does that record disclose? A You read it.
Q Is this from your family record, your Bible? A Yes sir.
Q It shows birth, Orien Dunlap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
Q That is the date of his birth? A Yes sir.
Q And you are positive that Betsy, the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
Q Do you remember how long she stayed there after that? A No sir, I don't.
Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
Q And you have refreshed your memory from the date of the record of the birth have you? A Not exclusively, I was married January 31, 1866, and my oldest child was born January 21, 1867.
Q And you are positive that Butler McNair's wife Betsy was there?
A Yes sir.
Q You are not prepared to say how much longer they remained there?
A No sir, I couldn't do that.
Q Did you know a colored man an named Tom Moore? A Yes sir.
Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
Q They didn't live on your place? A No sir.

Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the smaaeeame time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On Behalf of the Commissioner: The motion and reply will be noted.

BY MR. PATTEN:
Q Were you very well acquainted with any of those colored people around there? A Not intimately acquainted.
Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn,t have any acquaintance with the old lady until I went after her to stay with my wife.
Q There is no question but what she waited on your wife at that time? A No question in my mind.
Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
Q Did you ever know him? A Yes sir.
Q How far did they live from you? A About a mile.
Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I just came into the country there and we ranged work around and cut our wheat.

W I T N E S S E X C U S E D .

J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A J. A. Thompson.
Q What is your post office? A Vinita.
Q What is your age? A I will be 56 years old the first day of next August.
Q Are you a Cherokee by blood? A Yes sir.
Q What was your father's name? A Johnson Thompson.
Q Have you a brother named Tommy Thompson, T. F. Thompson? A Yes sir.
Q Where did you go during the Civil war? A We went south, on Red River.
Q Where did you return after the war? A Back there on our old place.
Q Where was that? A On Grand River, known now by the Ketchum place.
Q By Ketchum post office? A Yes sir, near there.
Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
Q How far is that from the Dr. Thompson place? A About a mile.
Q (On the same side of the river? A No sir.
Q How far from the Bob Daniels place? A That was a short mile further south, on the south side of the river.
Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
Q And both on the opposite side of the river from your father's place? A Yes sir.
Q Do you know Mrs. Strout, daughter of Bob Daniels? A Yes sir, first cousin of mine.
Q Do you know when Bob Daniels came back up there? A Yes sir.
Q When? A In 1867.
Q What time of the year? A Early in the spring.
Q What time did you people come back to this Johnson Thompson place?
A I think it was in October, in 1866.
Q Did you ever know Mose Hardrick a colored man before the war?
A No sir.
Q Did you know Jeff Lyons before the war? A No sir.
Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
Q Did Daniels live up there before the war? A Yes sir.
Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
Q Right at the same places you described? A Yes sir.
Q Then you knew Mahala well did you? A Yes sir.
Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
Q Was that when they came back to the country? A Yes sir.
Q You say that was in the fall of 1867? A Yes sir.
Q Are you positive they were not there during the winter of 1866?
A I don't think they were, if they were I didn't see them.
Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
Q You remember when Mose Hardrick came? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
Q Did you see him there before you saw Mahala and Jeff? A No sir.
Q Did you know a child of Mahala named Mike? A Yes sir.

Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I don't remember when he come or how he come.
Q Did you see him there before you saw his mother? A No sir.
Q You saw him afterwards? A Yes sir.
Q Did you know Butler McNair? A I wasn't acquainted with him.

BY MR. PATTEN:
Q When was it you say you first saw Jeff and Mahala? A I think it was in the fall of 1867.
Q Who were they living at that time? A Camped in our yard there on our place.
Q That was in the fall of 1867? A Yes sir.
Q When was the first time you saw Rose? A It was sometime after that I think, I would not be positive. I don't remember much about Rose because he went across the river.
Q Was it about the same time? A Pretty much the same time.
Q How how long did they camp with you there when they went into camp. A Yes sir.
Q Had they just moved in from some place? A Come in from Kansas I suppose.
Q Was this on the same side of the river as the Dr. Thompson place?
A No sir.
Q What was across the river from the Dr. Thompson place? A Yes sir.
Q That was in the fall of the year? A Yes sir.
Q And you think it was what year? A 1867.
Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1866.
Q When do you claim? A I don't claim.
Q Were you in the country? A There were two fights on Horse Creek.
Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was itbefore or afterwards?
A Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
Q You don't know whether it was before or after? A Well it must have been then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
Q The same fall? A I couldn't tell positively.
Q What is your best judgment about it? A Well I hate to say.
Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, a long time. There were two fights there, one occurred before we come there.
Q Did those two fights both occur the same year? A I couldn't tell you that.
Q Where did they move to when they moved away? A Across the river.
Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
Q What place was that you say? A They settled a place in there near Uncle Robert or sorter between the two places.
Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
Q You started in the fall of 1867? A Yes sir.
Q When did they make a crop on that new place, Jeff? A He surely couldn't have made any cropearlier than 1868.
Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

Q Do you know whether or not he ever lived on the Dr. Thompson place?
A He might have rented some ground from Uncle Jeter.
Q I mean live there? A I don't remember of him living there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tobe Schrimsher, and there was another fellow or two there.
Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,-- what time was it Jeff and Mahala were camped there? A That was along in 1867.
Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
Q What was about the time Tobe Schrimsher was there? A Well I don:t know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniel's horse and Schrimsher was running our boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
Q Where were you living when they moved? A I don't know whether we were there or had gone to school.
Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't comeup there untillate in the fall of 1866.
Q How do you remember it was 1866 you come up there instead of '65?
A We were afraid to go up there.
Q How long after the war closed before you were afraid to come up there? A We come as soon as we thought it was healthy.
Q This occurred about 40 years ago? A Yes sir.
Q You were how old? A About 16 years old.
Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E X C U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. F. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A T. F. Thompson.
Q How old are you? A Going on 59 years old.
Q What is your post office? A Vinita.
Q What was your father's name? A Johnson Thompson.
Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
Q Did you know Bob Daniels in his life time? A Yes sir.
Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
Q Were they Cherokees? A Yes sir.
Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
Q Where? A On Grand River.
Q How far from Vinita? A East about 15 miles.
Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
Q On which side of the river did your folks live? A On the west side.
Q On which side did Bob Daniels live? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
Q On the opposite side of the river from you? A Yes sir.
Q How did you people go out during the war? A Yes sir.
Q What time did you return? A We returned in the fall or winter of 1866.
Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
Q Did you know Mrs. Strout that was on the stand? A Yes sir.
Q That was her father? A Yes sir, he lived there.
Q Then each of your families returned back to these old places? A Yes sir.
Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you know her at all? A The wife of Jeff Lyons after the war.
Q Did she have any children before the war? A I think she did, I would not be certain about that.
Q Don't know of a child named Mike Moore? A Yes sir.
Q Now how far is this Dr. Thompson place from your place? A About a mile, just across the river.
Q You say you knew Mahala who belonged to your aunt Mrs. Daniels before the war? A Yes sir.
Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They come back after we didbut I couldn't say whether it was the year we did or the year following.
Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
Q Did you make an affidavit in this case? A Yes sir.
Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
Q Who prepared it? A A young man named Blue I believe.
Q With whom did you talk about it. Did you talk to J. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, because I wasn't certain about that. That was to the best of my knowledge.
Q You didn't intend to say 1866? A No sir.

BY MR. PATTEN:
Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
Q Now you would not want to be understood as positively swearing that it was not 1866? A No sir.
Q Nor you would not want to be understood as positively swearing it was 1867? A No sir.
Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A Not that I remember of. I don't think Mr. Starr had anything to do with the affidavit at all.
Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
Q The Wallace Court in 1889? A No sir, I think not.
Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedman cases before. I don't remember of it.

W I T N E S S E X C U S E D .

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, F. D. 314, at a prior hearing will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two hears, consolidated cases of Moses Hardrick, et al., and George Irons, et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield, et al., F R 541, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County, Kansas, was never authenticated for the year 1868 by the Assessor.

On Behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1906, in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of the proceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freedman Doubtful 498, being the case of Henry C. Hayden, et al., Freedman Doubtful 535, being the case of Charity Trow, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freedman Doubtful 678, being the case of Katie Thorton, et al., Freedman Doubtful 801, being the case of Sarah Bean, Freedman Doubtful 765, being the case of Leah Winfield et al., Freedman Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1007, being the case of Jesse Hicks, et al., Freedman Doubtful 1009, being the case of George Ross. All of said cases being freedman cases, and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1866 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient, and move that the Nation be required to specify in each instance what testimony is false.

Mr Mr. Bixby, Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants and if the Commission to the Five Civilized Tribes had decided adversely to the , and these decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes and the Secretary of the Interior to the testimony of the said Frank Ross, and therefore tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it would not tend to discredit him for the reason that said witness might not have testified to a ere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorney for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.
Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedmen cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all od them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 283, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful , 317, Charles Martin et al., Freedman doubtful 597, Jane Looney, Freedman doubtful 631, Nancy Ross, et al. Freedman doubtful 662, Cynthia Hoard, et al., Freedman doubtful 921, Elijah Watie or Tinnen. Freedman doubtful 949 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1009. George Ross, Freedman doubtful 1020, Kissie Newman, et al. Freedman doubtful 1023, Ned Foreman. Freedman rejected 85, Malzy Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection willbe sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 828, John May, et al. Freedman doubtful 280, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann et al. Freedman doubtful 374, Ab Buffington, Freedman doubtful 566, Aggie Little, et al. Freedman doubtful 617, Rosa Shobe, et al. Freedman doubtful 79, Mary Hemmitte. Freedman doubtful 734, John Towers. Freedman doubtful 860, Annie Elms, et al. Freedman doubtful 281, Arthur Martin, Freedman doubtful 860 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 728, Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malzy Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons hereinbefore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and citizenship Courts that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record: that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On Behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treasty of July 19, 1866. That we do not represent George Irons, Betty Hayes and Richard Nore, and so far as the other cases are concerned they may be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch for the reason that they have agreed that all of the descendants of Moses Hardrick and Jeff and Mahala Lyons would be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no deligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,		F R	36
Bettie Hayes,		F D	87
Richard Moore,		F D	1328
Ned Lyons,		F D	231
Rachel Landrum		F D	252
Elias Lyons,	F D	253	
Altha Moore, et al.,		F D	357
George W. Lynch,		F D	731.

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he came from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessley

Subscribed and sworn to before me this 23rd day of July, 1906.

B. P. Rasmus

Notary Public

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. AEMc/

In the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, consolidating the applications of------

Moses Hardrick	Cherokee Freedmen R-574
Silas Hardrick	Cherokee freedmen R-536
Sarah Bean	Cherokee freedmen R-543
Nelson Hardrick, et al.,	Cherokee freedmen R-557
William Hardrick, et al.,	Cherokee freedmen R-599
Eliza J. Hardrick, et al.	Cherokee freedmen R-631
Mary Hardrick, et al.	Cherokee freedmen R-679
George Irens, et al.,	Cherokee freedmen R- 36
Bettie Mayes	Cherokee freedmen D- 87
Richard Nere (Irens) et al.,	Cherokee freedmen D1328
Ned Lyons	Cherokee freedmen D-251
Rachel Landrum	Cherokee freedmen D-[illegible]
Elias Lyons, et al.,	Cherokee freedmen D-253
Altha Moore, et al.,	Cherokee freedmen D-387
George W. Lynch, et al.,	Cherokee freedmen D-731.

D E C I S I O N.

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That application for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Amos, and Jackson Lenion; by Jennanna Irens for her husband, George Irens, and his children Bertha and Bettie Irens and grand child, Minora Rivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Nellie Nere (or Irens); by Ned Fyens for himself; by Rachel Landrum for herself; by Eliza Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.

The record further shows that on April 20, 1904, and April 18, 1905, the Commission to the Five Civilized Tribes rendered its decisions herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 6968-1904); and that thereafter, to-wit, on April 5, 1906(I.T.D. 5398-1906) and May 11, 1906 (I.T.D. 4667-1906) respectively; on motions of the applicants, the Department recinded its decision of October 13, 1904, and remanded the records in this new consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the above named applicants neither claim nor posses any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch by virtue of having complied with certian provisions of the Treaty of 1866; Silas Hardrick, Sarah Bean, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descandants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a descendant of the said applicant Eliza J. Hardrick and one John Ross, deceased; Amos and Jackson Lonien as descendants of the applicant Mary Hardrick and one Mose Lonien, Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Elnora Nivens as the descendants of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Eliza Lyons as descendants of Jefferson and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant Eliza Lyons, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descentants of the applicant George W. Lynch.

A reexamination of the records in this new consolidated case made prior to the rendition of the decisions heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded twenty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thrity-eight or forty years before. For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occurred on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion

that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which array of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

> "After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretarynof the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In Taking this census Mr. Tompkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial, well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

Going Snake and Delaware Districts	Volume 1,
Tahlequah and Saline Districts	Volume 2,
Canadian and Delaware Districts	Volume 3,
Flint, Sequoyah and Koo-wees-koo-wee Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely; Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 13566, Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 5988, Whites 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four and reads as follows; to-wit:

> "I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation;-- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with

the previsions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U. S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any person not entitled to citizenship on the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the previsions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

"Q How does the fact that the grass was up connect with in your mind, with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Reuben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
Q To a census taker? A Yes sir to a census taker; that was in '67.
Q What month was that? A That was about June or July as well as I remember.
Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum can be identified on the roll of 1867. The testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Moore and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McNair,

however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1878 held that the applicant, Moses Hardrick (Hardwicke), did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A Certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1902.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by may possibility they might obtain rights to Cherokee freedmen citizenship can be identified on any Cherokee Roll in the custody of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the applicants Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen of said Nation; and that all the applicants herein, except those last above named, were born since the close of the rebellion and obtain no rights to Cherokee Freedmen citizenship through their ancestors.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick; Silas Hardrick; Sarah Bena; Nelson Hardrick; LeRoy Hardrick; William Hardrick; Mabel Hardrick; Leona Hardrick; Eliza J. Hardrick, Arthur Lynch; Ethel Lynch; Mattie Lynch; Claud Lynch; Mary Hardrick; Amos Lenien; Jackson Lenien, George Irons; Bertha Irons; Bettie Irons; Minora Nivens; Bettie Mayes; Richard Nero; Mollie Nero; Ned Lyons; Rachel Landrum; Eliza Lyons; Nelsen J. Lyons; Altha Moore, Oscar Moore; George W. Lynch; Rosetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 28 of the Act of Congress(Cherokee Agreement) approved July 1, 1902 (32 Stats:,716), the application for the enrollment of Malinda Hardrick should be,and the same is hereby dismissed.

(Signed) Tams Bixby,
Commissioner.

Dated at Muskogee Indian Territory,
This FEB 13 1907.

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of GEORGE IRONS, ET AL., consolidating the applications of,

George Irons, et al.,.....Cherokee Freedmen R 36,
Bettie Hayes,.....Cherokee Freedmen D 87,
Richard Nero.....Cherokee Freedmen D 1326,
Ned Lyons.....Cherokee Freedmen D 251,
Rachel Lundrum.....Cherokee Freedmen D 252,
Elias Lyons, et al.,.....Cherokee Freedmen D 253,
Altha Moore, et al.,.....Cherokee Freedmen D 357,
George W. Lynch, et al.,.....Cherokee Freedmen D 731.

Protest Against Granting Motion to Re-open.

The representatives of the Cherokee Nation protest against the granting of the motion in the above-styled cases, for the reason that they say that J. J. Bulger, who signs the papers as attorney for the applicant, again files in support of his motion to re-open a number of ex parte affidavits of parties living in different localities, without the representatives of the Cherokee Nation or any one of them being present to cross-examine. They further say that they do not believe the statements contained in the motion as to being newly discovered evidence is true, for the reason that these parties whose affidavits they claim to have, have resided in the country continuously and near where the applicants live, and they know that if these parties who they claim made these affidavits knew the facts contained i n the affidavits, they would have been witnesses in these cases before.

Nelson Moore, Thomas H. Moore and Ross Moore all live in the immediate neighborhood of Ned Lyons, George Irons, Elias Lyons, and live within 12 or 15 miles of George W. Lynch and Altha Moore, et al., and have lived within this distance for many years. We say that there should be an end to this controversy, and we think the Department should hold the representatives of the applicants to as strict rule as they do the representatives of the Cherokee Nation and they should be required to produce their

testimony, and when they have once closed their case they should be required to stand upon the proof as offered and not wait until the testimony has been submitted and the Commissioner to the Five Civilized Tribes has passed upon the case, and then come in with affidavits of parties claiming that it is newly discovered evidence. The representatives of the applicants say that the affidavits are signed by parties "we know the Attorneys for the Cherokee Nation have sought to use as witnesses and are persons whose testimony we do not believe the Attorneys for the Nation or at least Mr. Hastings, who has done nearly all of this Freedmen work, will dispute."

The representatives of the Cherokee Nation do not and cannot from this brief learn who "we" are as applied to the brief and motion to re-open of the applicants. It shows to have been signed with a machine "J. J. Bulger," not in anyone's handwriting, and for that reason we do not know whether J. J. Bulger when he is writing a brief is "we" or "I," but we presume that he is only one person and that the writer of the brief did not disclose who "We", as used in the brief, are. But be that as it may, in the absence of Mr. Hastings, in Washington, D. C., and Col. T. B. Ball, who is now with the representative of theCommissioner to the Five Civilized Tribes at Fort Smith, Arkansas, taking testimony in freedmen cases, this protest is written by James S. Davenport, one of the representatives of the Cherokee Nation in the Freedmen enrollment, and it is deemed of no importance as to what the witnesses are or are not in presenting this protest, but it is the manner in which it is presented, and the statements contained therein.

It is nothing but right and just that the applicants should have a fair hearing, but it is decidedly unjust that they should be represented by counsel, present their testimony and close their case, and then, when the case has been decided against them, that they, through their representative, will seek to get the case reopened and remanded upon the theory of newly discovered evidence, when the parties to these cases know the parties who they claim will swear to facts set forth in the affidavits, for years and have lived in the immediate community with them. Mr. Bulger who signs his name as attorney for applicants in these consolidated cases has been working in this business for some three years or more, and before

the cases were closed had been given ample opportunity to procure his witnesses. A copy of the brief and motion to reopen in this case, which was signed by Mr. Bulger, was registered to the attorneys for the Cherokee Nation from Vinita, Indian Territory, February 10, 1906. At that time, it is the general understanding, Mr. Bulger was in the City of Washington, D. C., and it is indeed strange that he would be mailing motions to reopen and brief and argument in support of the same and he in Washington, D. C. We must conclude that the "We" used in the brief included Mr. Bulger and his silent partner in these matters, who has been doing the work for him in his absence. But aside from who wrote the brief and motion, or the facts stated therein, it is contended by the representatives of the Cherokee Nation that there are not sufficient facts shown to warrant the Department in granting this motion. If this practice is permitted to be indulged in further it will be impossible to close the rolls at any time, because the moment the Commissioner to the Five Civilized Tribes has passed upon the case and the Secretary of the Interior has affirmed the decision, then the representatives of the applicants will come forward and move to reopen and again tie up the matter and there will never be an ending.

We respectfully submit that the decision of the Commission to the Five Civilized Tribes in the cases above consolidated is correct and should not be disturbed; that there are not sufficient facts stated in the motion to reopen to warrant the Commissioner of Indian Affairs or the Secretary of the Interior in granting the motion, for the reason that there is no affidavit attached of Mr. Bulger's, who was of counsel for the applicants, showing that the testimony set forth in the affidavits is newly discovered testimony, but there seems to be a blank affidavit prepared and "J. J. Bulger" signed to it, purporting to be headed:

"United States of America,
District of Columbia SS

J. J. Bulger of lawful age being duly sworn on his oath says that he is one of the Attorneys for the applicants and that he has read the statements made in the foregoing motion and same are true as he verily believes, that this motion is made not for the purpose of delay but in good faith and in the belief that justice will be done on a new hearing of this cause

J. J. Bulger,

Subscribed and sworn to before me this____day of February 1906.

Notary Public."

This affidavit, it is the belief of the representative of the Cherokee Nation writing this protest, was never made by J. J. Bulger, and we do not believe that they should be permitted to make motions and attach a blank affidavit to them, but they should be required to have the original party making the affidavit sign the copy served upon the representatives of the Cherokee Nation. We know that J. J. Bulger is in Washington, D. C. and we know that he represents a number of applicants, but who the other attorneys are as stated in this case, we do not know, except from outside facts.

We further say that the motion should not be sustained upon the ground of newly discovered evidence, because of the fact that no affidavit is attached to the motion of either of the witnesses, stating that the testimony embraced in the affidavit sought to be served upon the Cherokee Nation is true and that it is newly discovered evidence, or that the applicants did not know of its existence when they closed their case. In fact, no affidavit of either of the applicants to its being newly discovered evidence, or of its being material to their case, or that they had no means of obtaining knowledge of the facts they now claim they can prove by the witnesses, or that they did not know of the facts at the time they closed their case, is attached to the motion. In other words, it is one of the same kind of motions that are being handed to us daily by Mr. Starr, who is co-operating with Mr. Bulger in these matters, without any affidavits from the applicants supporting it and without any other foundation upon which to base the motion other than that they want it reopened in order that they may get other and additional testimony.

We respectfully submit, as herein stated, that there is no sufficient showing made by the applicants, supported by their affidavits, that this testimony is newly discovered, nor do the applicants swear that the statements set forth in the affidavits as they believe to be true, nor do they swear that they could not produce the testimony before their case was closed, and for that reason the motion should be denied and the decision of the commissioner affirmed.

Respectfully submitted,

Attorneys for the Cherokee Nation.

IN THE DEPARTMENT OF THE INTERIOR
WASHINGTON.

In the matter of the application for the enrollment of George Irons et al as Cherokee Freedmen, consolidating the applications of:

George Irons et al F D 36
Bettie Hayes F D 87
Richard Nero (or Irons) FD 1328
Ned Lyons---------- F D 251
Rachel Lamirum F D --- 252
Elias Lyons et al F D 253,
Altha Moore et al-- F D 357
George W. Lynch et al--F D 731.

Comes now the applicants and move the Department to remand this consolidated cases to the Honorable Commissioner to the five Civilized Tribes in order that the applicants may have an opportunity to present newly discovered testimony at said trial to show that they are entitled to be enrolled as Cherokee Freedmen.

The record shows, and the Commissions decision so finds, that the minor applicants ~~Bettie Irons~~ Bertha and Bettie Irons, are children of the applicant George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1880, and possess no rights to enrollment, other than as descendants of their said parents; that the said Winnie Irons, deceased, was born since 1866, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were the slaves of Cherokee Citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion" etc.".....

"The minor applicant Elnora Hivens is an illegitimate child of the applicant, Bertha Irons" etc .....

" The evidence further shows that the applicants, Ned Lyons, Rachel Lamirum, and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion and possess no rights to enrollment other than as descendants of their said parents. The minor applicant Nelson J Lyons is a child of the ~~minor~~ applicant, Elias Lyons, and one Martha Lyons, was born since 1880, and possesses no rights to enrollment other than as their descendant etc.

"The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Ella Moore, deceased, were born since

1880, and possess no rights to enrollment other than as descendants of their said father; and that the said Mike Moore deceased was the slave of a Cherokee Citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, ... (He returned with his step father and mother, the said Jeff and Mahala Lyons)"

We ask that these consolidated cases be remanded in order that the newly discovered testimony we have might be introduced on the question as to the return of Jeff and Mahala Lyons and Mike Moore, through whom the applicants, Bertha and Bettie Irons, Minora Mivens, Ned Lyons, Rachel Landrum, Elias Lyons, Nelson J. Lyons and Altha Moore and Oscar Moore claim their right to enrollment.

The record shows that Jeff Lyons, and his Wife Mahala Lyons and Mike Moore came to the Cherokee Nation together after the close of the Civil War.

We further move that the motion and affidavits in support of same, and the record attached to said motion, which we a few days ago filed asking the Department to reopen the case of Altha Moore and Oscar Moore F D 357, be filedin these consolidated cases and be considered in support of this motion for a new trial. We intended to file said motion in support of the motion to reopen the consolidated cases but at that time not having the record at hand we supposed the Altha and Oscar Moore cases were separate from the Lyons cases but since we have ascertained that they are a part of the Lyons cases we ask that that record be considered by the Department in connection with this motion.

There was attached to that motion the affidavits of Rosa Moore, Thomas H. Moore and Nelson Moore, and the record in the case of Jacob or Bertha Dean showing the testimony of Nellie Fry and Andy Fry.

Said affidavits were newly discovered testimony and the applicants all being descendants of the persons about whom the testimony of return is required did not, at the trial of these cases have the knowledge that this testimony existed and they had not heard of it in time for the former trial--They have made every effort to ascertain the testimony existed but being descendants they did not have the advantage of the advice and counself of their ancestors Jeff Lyons, Mahala Lyons and Mike Moore hence they have been badly handicapped in their effort to secure the testi

There is hereto attached in support of this motion for a new trial and in addition to the affidavits attached to the Altha & Oscar Moore motion, the affidavit of T. F. Thompson, a citizen by blood of the Cherokee Nation is attached. Our contentions as to the return of Jeff Lyons and Mike Moore and fully set out in our motion in the altha & Oscar Moore case and the same reasons are assigned in this motion.

T. F. Thompson is a prominent citizen of the Cherokee nation by blood, he was for years one of the Judges of the Cherokee Citizenship Court along in the eighties, and no doubt the department will give great weight to his testimony. The testimony will show that the said Jeff Lyons and Mike Moore returned to the Cherokee nation in the late fall of 1866 and in the winter of 1866 lived in the Dr Thompson house in the Cherokee Nati on. This testimony we will corroboorate by Cynthia Lynch, Daniel Tucker, and other citizens by blood of the Cherokee nation and by a great many other reliable and trustworthy witnesses.

We are confident that when this new testimony is introduced in these cases that the Commissioner to the Five Civilized Tribes will not hesitate to render a decision in favor of these applicants.

Therefore we pray that we be granted a new trial in order that justice might be done these freedmen.

Respectfully,

Attorney for applicants.

BEFORE THE DEPARTMENT OF THE INTERIOR,
Washington.

To the Honorable,
The Secretary of the Interior.

In the matter of the application of Althe Moore, et al., for enrollment as Cherokee freedmen

Altha Moore, Cherokee Freedman D-307
Oscar Moore, " " D-307

A F F I D A V I T .

UNITED STATES OF AMERICA,
Indian Territory,
Northern District, ss.

T. F. Thompson, of lawful age, being first duly sworn, on oath says:

My name is T. F. Thompson; I am 68 years of age; my post office address is Vinita, Indian Territory; I am a Cherokee citizen by blood, and lived in the Cherokee nation all my life, except a short time that I was in the South during the Civil war.

Early in the Civil war, I went South, and returned to my old home place on Grand River in the Cherokee nation, in the fall of 1866.

I was acquainted with one Mike Moore, a Cherokee freedman who is the father of Altha and Oscar Moore, the above named applicants for enrollment as Cherokee freedmen. I have known these boys all their life. I knew their father from a short time after my return to the Cherokee nation in the fall of 1866, until his death.

A short time after I returned to the nation, this Mike Moore, came with his family-with his step-father and his mother- to my father's place in the Cherokee nation, and moved into an old house, about one hundred and fifty yards from our residence, and remained here all winter, or until they secured a place of their own. They secured a location on the east side of Grand river.

Mike's step-father, Jeff Lyons, and his mother/Nahala Lyons, lived at the place the secured at this time east of Grand river. Mike lived with them until his marriage, when he removed to Vinita, Indian Territory, where he live continuously until his death in 1901.

I have known these boys, Altha and Oscar Moore all their lives.

I am a Cherokee Indian and I believe that if any Cherokee freedmen are entitled to be enrolled and participate in the distribution of the Cherokee estate, they are.

T. F. Thompson,

Subscribed and sworn to before me this 27th day of October, 1903.

F. M. Briscoe,
Notary Public.

My Commission expires _____.

United States of America,

Indian Territory,

Northern District SS.

Millie Fry of lawful age being by me first dulyw sworn that the testimony she would give would be the truth the whole truth and nothing bt the truth on hereath states:

"My name is Millie Fry, my age is sixty-nine years and my post office is Ketchum I. T.. My name appears upon the 1880 roll. I came to the Cherokee Nation withmy husband in the fall of 1866. We left Kansas on October 3rd 1866 and were about three weeks on the road ; my recollection is that we were three weeks and three days on the road, at any rate when we reachedthe Cherokee Nation Jesse Cochran Sr had been killedby Louis Vittito just a few days before we reached the Cherokee Nation. We came to the Doctor Thompson place on grand river and spent the winter there and in the Spring of 1867 we put in a crop on the Doctor Thompson place and lived there through the spring and summer of 1867 and in the fall of 1867 after we gathered our corn we moved on up grand river about two miles and stayed up there during the following winter and the next spring we movedon to a place of our own."

"During the winter of 1866 Jeff Lyons and Mike Moore came to the Doctor Thompson place and rented a part of the ground on the Dr Thompson place from My Husband Andy Fry and Tobe Schrimscher. Andy Fry and Tobe Schrimscher had leased the place from Dr Thompson and were to put improvements on the place and get the crops on the place that year for what they did to it.Mike Moore and Jeff Lyons lived in a small brick servants house in the back yard in the Doctor Thompson yard; Tobe Scrimscher, Moses Hardrick and Myhurband and I lived in the rooms down stairs in the Doctor Thompson residence; this was a brick building that Doctor Thompson had livedin before the war. Butler Mcgair and Tom Moore lived up stairs in the same house. This was old man Tom Moore, uncle of Mike Moore and is now dead--Butler Mcgair is now dead also. Jeff Lyons is now dead. Jeff Lyons,, Moses Hardrick, Tom Moore , Mike Moore and Butler McNair remained in the house during the winter of 1866, and made a crop on the place in the spring of 1867. I had a child whose name was Harvey Fry, born July 11, 1866 and died March 11, 1867, as shown by my family record and I remember distinctly that Jeff Lyons was present and dug the grave for that child alone. Cynthia Lynch was present when the Child died and attended the funeral and knows that Jeff Lyons Dug the grave and knows that these people were living in that house at that time and prior thereto; she taught school in that house in the Spring of 1867

.....

Cynthia Lynch of lawful age being duly sworn makes the following statement under oath:

" My Name is Cynthia Lynch my post office is Ketchum I. T. ; I am a citizen by blood of the Cherokee Nation.I taught a school in the house on the old Doctor Thompson place beginning March 4th 1867. Moses Hardrick, Tobe Schrimscher, Mike Moore, Tom Moore, Jeff Lyons and Butler McNair lived in that house while I taught school there. These people at that time had been living in the Cherokee Nation for some time. I was present on March 11, 1867 at the funeral of Harvey Fry, and I know that Jeff Lyons was there and dug the grave all alone.. Jeff Lyons and Mike Moore lived in a house on the Daniels place before moving into this house on the Doctor Thompson place. They got snow bound before moving into the house on the Doctor Thompson place.. Mike moore went to school to me at the term beginning on March 4th 1867. He was a step son, if I remember correctly of Jeff Lyons

.....

Simon Lynch being duly sworn on his oath says:

" My name is Simon Lynch my age is seventy-five years and my post office is Spavinaw I. T. I am a Cherokee freedman on the 1880 roll

I was acquainted with Jeff Lyons before the war. In the late fall or winter of 1866, before it got very cold, and before Christmas of 1866 I saw Jeff Lyons at the Old Doctor Thompson Brick house? Andy Fry lived there also and Tobe Schrimsher lived there too and run a ferry boat. Moses Hardrick was then living in a Cherokee house west of the Dr Thompson House and during the winter of 1866 he moved into the Dr Thompson house with Andy Fry and the others. Mike Moore a step son of Jeff Lyons was there with Jeff Lyons and Mike Moore went to school to Cynthia Lynch there at the Dr Thompson place in the early spring of 1867. When I first remember of seeing Jeff Lyons, his son Miles Lyons was a nursing baby in his mothers arms; he was a very small child, not large enough to walk and I judge he was four or five months old. Butler Mayer also lived on that Dr Thompson place and he came there during the winter of 1866. I saw old man Tom Moore on that place also. They all made a crop on that place in the spring of 1867 and all were living in the Cherokee nation prior to February 11, 1867.

Tobias Bean being duly sworn makes the following statement under oath: My name is Tobias Bean, my age is sixty-eight years and my post office is Ketchum I. T. I was acquainted with Jeff Lyons during his life time and I knew Mike Moore. I remember that between the time of the Horse Creek fight in the fall of 1866 and Christmas 1866 that I saw Jeff Lyons, Moses Hardrick, Tom Moore, Mike Moore and Tobe Schirmsher, they were living on grand river there on the Doctor Thompson place and made a crop on the Dr Thompson place in the Spring of 1867.

****

I certify that the foregoing statements were made by the witnesses under oath each having been first duly sworn that the testimony that would be given would be the truth the whole truth and nothing but the truth. Given under my hand and seal of office this 6 th day of January 1906.

J E Starr
Notary Public.

File with R 36

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED
JUL 3 1902

ACTING CHAIRMAN.

I Elen Shipparid wife
of Geo Shippard have
this day Adopted Elnora
Nivins- and will treat her
as one of my own Children
the balance of my natural
life-
This 3rd day of June 1902
Witness = Elen Shippard her mark
Lee Roberds
M. M. Franklin
I Elen Shippard acknowl-
edge the above, and desire
the same certificate which
is hereby done
This 3rd day of June
24 1904
W. D. McBride
Notary Public

I Bertha Irons have this
day given My Child
Elnora Pinnisto Mrs.
Eden Shepherd- wife
Coffee Shepherd- and
I Hereby Certify that
I will have No further
Care or control of said
Child=
This 3rd day of June 1902
Bertha Irons

24 1404
I Bertha Irons. acknowledge the above. and desire
the same Certificate which
is hereby done=
6/3d 1902. W. D. McBride
Notary Public

F R 36 COPY.

IN RE
Application for Enrollment of
INFANT CHILD

Elnora Nivens
as a citizen of

Cherokee Nation

Approved July 1902

T B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE
FIVE CIVILIZED TRIBES

F I L E D

JUL 1 1902

Tams Bixby
Acting Chairman

BIRTH AFFIDAVIT.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Elnora Nivens (Here insert name of child.), born on the 5 day of June, 1900.

Name of Father: Harrison Nivens a citizen of the Cherokee Nation.

Name of Mother: Bertha Irons a citizen of the Cherokee Nation.

Postoffice Fort Gibson, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Bertha Irons, on oath state that I am 18 years of age and a citizen by a Freedman, of the Cherokee Nation; that I am the ~~lawful wife of~~ not married, ~~who is a citizen,~~ by I am a Freedman, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 5 day of June, 900; that said child has been named Elnora Nivens, and is now living.

WITNESSES TO MARK:

Bertha Irons

(Must be Two Witnesses.) { M.M. Frankling
Lue Roberson

Subscribed and sworn to before me this 3rd day of June, 1902.

(S E A L)

W. D. McBride
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Lidie White, a Freedman, on oath state that I attended on Mrs. Bertha Irons, wife of not married on the 5 day of June, 900.; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Elnora Nivens

WITNESSES TO MARK:

Lidie White her X mark

(Must be Two Witnesses.) { M. M. Frankling,
Lue Roberson

Subscribed and sworn to before me this 3 day of June, 1902

W. D. McBride
Notary Public.

JR 340

File with case

of Coffey Shelburn

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED
FILED
JUL 3 1902
ACTING

This certifies that a decree of Divorce was granted to Rosalee Shepherd from the bonds of Matrimony existing between her and May Shepherd.

Said case was decided in Pltffs favor at the Reg. Term of the Circuit Court on the 26th of May 1891.

This June 1st 1891.

T. Jay Thruston
Ck Circuit Court
D. D. C. N.

Seal

71

Encl A - 49 7R36

IN RE
THE DEATH OF
Elenora Dixon
a citizen of the
Cherokee Nation.

Approved May 20 — 1903
C. R. Breckinridge.
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 20 1903
Chairman.

Encl M.16 r

Encl'd- 4893.

IN RE
THE DEATH OF
Eleanora Lucas
a citizen of the
Cherokee Nation.

Approved May 20 — 1903
C. R. Breckinridge
Commissioner.

Encl'd Mch 7

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 20 1903

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Elenora Givens
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Fort Gibson, Ind. Ter., and died on the 20th day of Feb, 1903.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY,~~
Northern District.

I, Alex Gross, on oath state that I am 46 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Fort Gibson, Ind. Ter.; that I am an uncle of Elenora Givens,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)

who was a citizen, by adoption, of the Cherokee Nation; and that said Elenora Givens died on the 20 day of Feb, 1903.
(Here insert name of deceased.)

his
Alex X Gross
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) J M Vaughan
C L Ness

Subscribed and sworn to before me this 16 day of May 1903.

John Brady
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY,~~
Northern District.

I, Manual Wilson, on oath state that I am 28 years of age, and a citizen, by adoption of the Cherokee Nation; that my post office address is Fort Gibson Ind. Ter.;
(Here insert name of post office.)

that I was personally acquainted with Elenora Givens
(Here insert name of deceased.)

who was a citizen, by adoption of the Cherokee Nation; and that said Elenora Givens died on the 20 day of Feb, 1903.
(Here insert name of deceased.)

WITNESSES TO MARK:

Manual Wilson

(Must be Two Witnesses.)

Subscribed and sworn to before me this 16 day of May 1903

John Brady
Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 6, 1902.

Ellen Sherpard,

Fort Gibson, Indian Territory.

Madam:

Replying to your letter of the third instant, you are informed that all persons who desire to make application for enrollment as intermarried citizens of the Cherokee Nation are required to appear before the Commission, in person, at Muskogee, before the first day of next July.

Respectfully,

MB

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

COMMISSION TO THE FIVE CIVILIZED TRIBES ONLY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-36.

Muskogee, Indian Territory, November 11, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the testimony taken at Vinita, Indian Territory, on October 1, 1901, in the matter of the application of William Lane as a Cherokee freedman, together with a copy of an order signed by Commissioner Needles making the same a part of the record in the matter of the application of George Irons, et al., as Cherokee freedmen.

Respectfully,

Chairman.

Incl. S-42.

COPY.

Cherokee Freedmen
R-36.

Muskogee, Indian Territory, November 29, 1904.

George Irons,

Melvin, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of November 24, asking to be advised as to the status of the application for the enrollment of yourself as a Cherokee freedman.

In reply, you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

COPY.

Cherokee Freedman
R-36.

Muskogee, Indian Territory, December 1, 1904.

George Irons,

Fort Gibson, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, your minor children, Bertha and Bettie Irons, and your minor ward, Elnora Nivens, as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to identify the father of the said Elnora Nivens and whether or not the said father possesses any rights to enrollment as a Cherokee freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony covering the points above mentioned, at which time this case will be taken up for final consideration.

Respectfully,

Tams Bixby.
Chairman.

Register.

COPY.

Cherokee Freedmen
R-36.

Muskogee, Indian Territory, December 1, 1904.

W. H. Twine,

Attorney for George Irons et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Irons et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to identify the father of Minora Nivens and whether or not the said father possesses any rights to enrollment as a Cherokee freedman.

George Irons has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony covering the points above mentioned, at which time this case will be taken up for final consideration.

Respectfully,

SIGNED. Tams Bixby.

Chairman.

COPY.

Cherokee Freedman
R-36.

Muskogee, Indian Territory, January 11, 1906.

George Irons,

Melvin, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, your minor children, and your minor ward, Elnora Nivens, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced to show who was the father of Elnora Nivens, and whether or not he possessed any rights to enrollment as a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1906, and introduce testimony as above requested.

Respectfully,

Register.

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
R-36.

Muskogee, Indian Territory, January 11, 1908.

W. H. Twine,

Attorney for George Irons et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Irons et al., you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced showing who was the father of Elnora Nivens, and whether or not he possessed any rights to enrollment as a Cherokee Freedman.

The applicant has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 20, 1908, and introduce testimony touching the points above mentioned.

Respectfully,

Register. (SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

S-36.

Muskogee, Indian Territory, February 8, 1906.

W. H. Twine,

Attorney for George Irons, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on February 2, 1905, in the matter of the application for the enrollment of George Irons, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-43.

COPY.

Cherokee Freedman
N-36.

Muskogee, Indian Territory, February 13, 1905.

George Irons,

Melvin, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 7, 1905, asking to be advised whether or not Harrison Nivens appeared before the Commission on February 1, 1905, and testified in the matter of the application for the enrollment of Elnora Nivens as a Cherokee freedman.

In reply you are advised that the said Harrison Nivens appeared before the Commission on the date referred to and testified in the matter of the said application.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

R-36.

Muskogee, Indian Territory, April 18, 1905.

George Irons,

Melvin, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself, your minor children, Bertha and Bettie Irons, and your ward, Elnora Nivens, as Cherokee freedmen. There has heretofore been furnished your attorney, W. H. Twine, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby,

Chairman.

Inel. R-90
Register

COPY.

Cherokee Freedmen
Irons, et al.

Muskogee, Indian Territory, April 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Irons, et al., including the Commission's decision dated April 18, 1906, rejecting the applications for the enrollment of George, Bertha and Nettie Irons, Minora Rivers, Nettie Hayes, Richard and Willie York, Ed, Eliza and Nelson F. Lyons, Rachel Landrum, Alice and Omar Moore, George W., Minnie and Eliza Lynch, as Cherokee freedmen.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. 2-173.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-36.

Muskogee, Indian Territory, April 18, 1905.

W. H. Twine,

Attorney for George Irons, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of George, Bertha and Bettie Irons and Elnora Nivens as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-100

Register

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-56, et al,

Muskogee, Indian Territory, April 14, 1901.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 14, 1901, rejecting the applications for the enrollment of George, [illegible] and Bettie Irons, Elnora Nivens, Bettie Mayes, Richard and [illegible] Nero, Ned, Elias and Nelson J. Lyons, Rachel Landrum, Alice and Oscar Moore, George W., Rosetta and Eliza Lynch, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. D-101

(C O P Y)

DEPARTMENT OF THE INTERIOR.

LAND
30679-1905

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 3, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jennanna Irons for her husband , George Irons, her step-children, Bertha and Bettie Irons, and her step-grandchild, Minora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Elias Lyons for himself and his minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore, and by George W. Lynch for himself and his minor children, Rosetta and Elisa Lynch.

April 18, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons) are all the children of one Nero Irons, deceased; that the applicants, George Irons and Bettie Mayes were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation

Nation during the war and did not return thereto on or before February 11, 1867; and that the applicants, Richard and Mollie Nore (or Irons) are included in a partial list of Creek Freedmen approved by the department March 13, 1902 , at Nos. 2173 and 2238 respectively, and have accepted their allotments of lands in the Creek Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and Minnie Irons, born Lyons, deceased, were born since 1880 and possess no rights to enrollment other than as descendants of their parents; that Minnie Irons, deceased, was born since 1866 and was the daughter of Jeff and Mahala Lyons, both deceased; that Jeff and Mahala Lyons were the slaves of Cherokee citizens at the beginning of the war, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicant, Elnora Nivens, is an illegitimate child of Bertha Irons and after ample opportunity it has not been established that she possesses any rights to enrollment other than as a descendant of her mother.

The record further shows that the applicants, Ned Lyons, Rachel Landrum and Silas Lyons are children of Jeff and Mahala Lyons, deceased, were born since the beginning of the war, and possess no rights to enrollment other than as descendants of their parents. The minor applicant, Nelson J. Lyons, is a child of Silas Lyons and one Martha Lyons, was born since 1880 and possesses no rights to enrollment other than as their desdendant.

On May 28, 1904, the Department approved the rejection of the Cherokee Freedman case of Martha Lyons (I.T.D. 4226-1904)

The evidence further shows that the minor applicants Altha and Oscar Moore, are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; that Mike Moore was the slave of a Cherokee citizen at the beginning of the war was taken from the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

The evidence further shows that the applicant, George W. Lynch, (son of Mahala Lyons), was the slave of a Cherokee citizen at the beginning of the war, was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11 , 1867. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880 and possess no rights to enrollment other than as descendants of their father.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

E. F. Larrabee
Acting Commissioner

M.M.M.

W

18787

OFFICE OF
Indian Affairs
Dec. FEB 27

1906

7741 910

Belle Hastings
Muskogee
Feb 24 06

Enclosing copy of letter from Dawes Commission to Attorney for Cherokee Nation

for hearing in Freedmen enrollment case

Davenport

Geo

Lyons et al.

Commissioner of Indian Affairs.

Attorneys for the Cherokee Nation.

RECEIVED
MAR 2
1906
INDIAN TERRITORY DIVISION

250

ATTORNEYS

L. B. BELL
W. W. HASTINGS
J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

MUSKOGEE, IND. TER., February 24, 1906.

The Honorable,
The Secretary of the Interior.
Sir:

There is herewith inclosed reply on behalf of the Cherokee Nation to the mation for a rehearing in the matter of the applications for the enrollment of George Irons, et al., as Cherokee Freedmen, C. F. R. 36, et al.

Yours very truly,

Bell, Hastings & Davenport

Attorneys for the Cherokee Nation.

Through the
Commissioner of Indian Affairs.

(C O P Y)

D.C. 18699-1906 DEPARTMENT OF THE INTERIOR. JMJr.
LLB
WASHINGTON.

I.T.D. 8058, 8603, 8741-1906
1857, 1896, 4667-1906.

L R S

May 11, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 18, 1906, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case of George Irons, et al., including its decision of the same date, rejecting the applications for the enrollment of George , Bertha, and Bettie Irons; Elmore Rivers; Bettie Hayes; Richard and Mollie Moore; Ned, Elias, and Nelson J. Lyons; Rachel Vandiver; Altha and Oscar Moore, and George W., Rosetta, and Eliza Lynch as Cherokee freedmen.

Reporting July 3, 1905 , the Indian Office recommended that the decision of the Commission to the Five Civilized Tribes be approved. A copy of its letter is enclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for a review of the Commission's decision relative to George Irons et al. On the same date they also filed a motion for a review of the decision relative to Elias Lyons et al.

Under date of February 15, 1906, the attorneys for the applicants filed a motion for a new trial in the cases of Altha

and Oscar Moore, and on February 16, 1906, also filed a motion for a new trial in the case of George Irons, et al.

The motions for review filed September 7, 1905, are hereby dismissed.

A consideration of the motions for a new trial, together with the record, shows a sufficient reason for a review and readjudication of the consolidated case. You are therefore directed to reopen the case and permit the applicants and the attorneys for the nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens. You will also fully advise all parties in interest of the points in issue.

Under date of April 27, 1906, the attorneys for the applicants forwarded a request to the Department that in the event of favorable action upon the motions for review in this case, it be considered with the case of Moses Hardrick et al., which was remanded to you for rehearing on April 5, 1906, as the principal ancestors in both cases are alleged to have returned from Kansas in the same party, and the testimony in both cases being practically the same, the applicants, who are poor people, would avoid great expense.

In the absence of further material objections, you will grant said request.

The record, together with the motions, are returned herewith.

Respectfully,

JESSE E. WILSON
Assistant secretary

4 inclosures

-Copy- J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.20043.
I.T.D.6056-1906.

May 16, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On May 10, 1906, the Indian Office transmitted to the Department a letter from the attorneys for the Cherokee Nation dated February 24, 1906, forwarding brief in the Cherokee freedman enrollment case of George Irons et al.

The records of the Department show that on May 11, 1906, the consolidated Cherokee Freedman case of George Irons et al. was remanded to you for a rehearing. In view of this action, the communication from the attorneys, together with said brief, is transmitted to be filed with the papers in said case.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inclosures.

D.C.19488.

May 19, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irons et al F. R. 36
Bettie Mayes------ F. D. 87
Richard Nero (or Irons) F D 1328
Ned Lyons F D 251
Rachel Landrum F D 252
Elias Lyons et al F D 253
Altha Moore et al F D 357
George W. Lynch et al F D 731.

We have neglected to advise you that since Mr. Bulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for these applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Hardrick cases advising the Department that Moses Hardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Iola Kansas in the Summer or early fall of 1866 and came to the

Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patten

Attorneys for applicants.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R 36 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 24, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906 the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason

being shown to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

You are therefore notified that these cases will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906. There appears to be no objection to the Irons cases being consolidated with the Hardrick cases.

In a letter dated May 19, 1906, from Starr and

Patten, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for the applicants have this day been notified that they will be permitted to appear before the offices of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

W. O. Beau

Acting Commissioner

Encl. B 78

LMB

Cherokee Freedmen
R 574

Muskogee, Indian Territory, May 25, 1906.

George Irons,

Melvin, Indian Territory.

Dear Sir:

In connection with your Cherokee freedmen enrollment case you are advised that this office is in receipt of Departmental letter of May 11, 1906, in which a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 16, 1906, for a new trial in your case is granted by the Department, and the record in the case returned to this office and a rehearing ordered to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department states that on April 27, 1906, the attorneys for the applicants in the cases with which your application was consolidated, requested , in the event of

favorable action upon the motion filed in the case, that they be considered with the cases of Moses Hardrick, et al., which were remanded to this office for rehearing April 5, 1906. The Department directs this office that "in the absence of further material objections, you will grant said request."

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16, 1906, in reference to the cases of Moses Hardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Hardrick et al., and the attorneys have been so advised.

Respectfully,

LMB

Acting Commissioner

J. C. STARR — Practice in All the Courts and Before the Departments of the Interior — GUY PATTEN

STARR & PATTEN
ATTORNEYS AT LAW
ROOMS 4, 5 & 6, LEADER BLDG
VINITA, I. T.

Vinita, I. T., June 1, 1906.

Judge J. M. Keys,

Pryor Creek, I. T.

Dear Sir:

In compliance with the request of Mr. Rosson, we give you the following list of our witnesses on part of Moses Hardrick et al and George Irons et al Cherokee Freedmen Enrollment cases set for hearing on June 21st:-

CALVIN ROSS----------IOLA, KANSAS,
ELIZABETH THOMAS-----IOLA, KANSAS,
JOHN C. THOMAS-------IOLA, KANSAS,
MRS. SARAH BIRD------R.F.D.#3, LONGTON, KANSAS,
PHELIX LORANCE-------R.F.D.#5, HOWARD, KANSAS,
JAMES CRISTY---------GENEVA, KANSAS,
JACK MORRIS, Sr.,----IOLA, KANSAS,
JOHN WALTERS---------TABLE MOUND CEMENT WORKS, INDEPENDENCE, KAN.
not Here + MRS. MAGGIE HARVILLE--IOLA, KANSAS,
ANDY FRY----F.D.121---KETCHUM, I. T.,
MILLIE FRY-F.D.128---KETCHUM, I. T.,
TOBIAS BEAN-F.D.715---KETCHUM, I. T.,
LEANDER BEAN---------KETCHUM, I. T.,
THOMAS H. MOORE------KETCHUM, I. T.,
ROSA MOORE-----------KETCHUM, I. T.,
CYNTHIA LYNCH--------KETCHUM, I. T.,
SIMON LYNCH----------KETCHUM, I. T.,
T. F. THOMPSON-------VINITA, I. T.,
ARTHUR BEAN F.D.727---KETCHUM, I. T.,
JOE DAVIS------------VINITA, I. T.,
WEB DOWNING----------CATALE, I. T.,
JENNING DOWNING------CATALE, I. T.,
+ DANIEL SANDERS-------CENTRALIA, I. T.,
JOSEPH BEAN----------CHAFFEE, I. T.

Aleck Rowe Ketchum IT

We will also recall Nelson Moore, witness for the Cherokee Nation, for further cross examination.

Amy Bean F.D.733-

Yours truly,

Starr & Patten

Cherokee freedmen
R 36

Muskogee, Indian Territory, June 4, 1906

Starr and Patten,
Attorneys for George Irons, et al.
Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 30, 1906, advising the names and addresses of the witnesses you propose to introduce in the Cherokee Freedmen enrollment case of George Irons, et al.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R.574 et al. Cherokee Freedmen R.36.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of a letter from Starr & Patten, attorneys for applicants in the Cherokee freedmen enrollment cases of Moses Kendrick et al and George Irons et al, advising that they propose to introduce as a witness in said cases, Alex Rowe of Ketchum, Indian Territory.

Respectfully,

M.A.

Cherokee Freedmen
R. 574 et al. Cherokee Freedmen R 36.

Muskogee, Indian Territory, June 8, 1906.

Starr & Patton,

Attorneys for Moses Hardrick et al.,

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of June 1, advising that you propose to introduce the testimony of Aleck Rowe, Ketchum, Indian Territory, in the Cherokee freedmen enrollment cases of Moses Hardrick et al and George Irons et al.

Respectfully,

W.A.

Commissioner.

Received June 18, 1906.

D.C. 24567 — 1906.

Starr & Patten,
Vinita, I.T.
Cherokee Nation,
June 16, 1906.

State they expect to present testimony of William Bird in Cherokee Freedmen case of Moses Hardrick, et al.

(COPY)

June 18th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes

Muskogee I T

Dear Sir:

We have found anadditional witness and expect to have him present on June 21st 1906 to testify in the Cherokee Freedmen Enrollment case of Moses Hardrick et al. His name and post office address is as follows:

William Bird, Iola, Kansas.

We have this day advised the Attorney for the Cherokee Nation giving the name and post office address of our witness.

Respectfully,

Starr & Patten,

Attys for applicants.

Cherokee
J T 874 et al.

Muskogee, Indian Territory, July 23, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1904, in the matter of the applications for the enrollment of Moses Harris, et al., and George Irons, et al., as Cherokee freedmen.

Respectfully,

Inch. Ter-23.
CHL

Commissioner.

Cherokee
F R 676 et al.

Muskogee, Indian Territory, July 26, 1906.

Starr & Patton,

Attorneys for Moses Murdrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Murdrick, et al. and George Irene, et al., as Cherokee freedmen.

Respectfully,

Encl. EK-26.
GMC.

Commissioner.

Cherokee Freedman
R 56.

Muskogee, Indian Territory, August 2, 1906.

George Irons,

Melvin, Indian Territory.

Dear Sir:

In reply to your letter of July 14, you are advised that when the hearing had in your Cherokee freedman case of June 21, 1906, was concluded, the same was closed, and a decision will be rendered on the evidence then and theretofore introduced, and you will be duly advised thereof.

Respectfully,

M.A.

Commissioner.

Cherokee F.
R 36

Muskogee, Indian Territory, February 13, 1907

George Irons,

Melvin, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting, among others, the applications for the enrollment of yourself, children and ward as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case and they have this day been forwarded a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Enel.HJ-236
JBH

Commissioner.

Register.

Cherokee F.
R 574 et al.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-381.
HJC

Commissioner.

Cherokee F.
874 et al.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.MJ-38.
MJC

Commissioner.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, LeRoy, William, Mabel, Leona and Eliza J. Hardrick, Arthur, Ethel, Mattie, and Claud Lynch, Mary Hardrick, Amos, and Jackson Lonien, George, Bertha and Bettie Irons, Elnora Nivens, Bettie Mayes, Richard and Mollie Nero, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch,

as Cherokee freedmen.

On April 5, 1906 (I.T.D.6968-1904; 8381, 8383, 8385, 8821-1905; 1935, 2830, 5398-1906), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Moses Hardrick, et al., and remanded the case to this office for further hearing and readjudication, and on May 11, 1906 (I.T.D. 8058, 8603, 8741-1905; 1867, 1895, 4667-1906), the Department remanded to this office for further hearing and readjudication the case of George Irons, et al.

Respectfully,

Encl.HJ-39.
HJG.

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
16327-1907
19108- "

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, Le Roy, William, Mable, Leona and Eliza J. Hardrick, Arthur, Ethel Mattie and Claud Lynch, Mary Hardrick, Amos and Jackson Lenien, George, Bertha, and Bettie Irons, Elnora Nivens, Bettie Mayes, Richard and Mollie New, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in the Office on February 25, 1907, by McGowan, Servan & Mohan, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

FWE--SD

W.H.H.
J.J.

DEPARTMENT OF THE INTERIOR,

IRH.D.C. 12639-1907. WASHINGTON,

I. T. D.
5694, 5712, 5714, 5716,
5726, 5768, 5808, 5822,
5826, 5836, 5850, 5852,
5860, 5866, 5870, 5872,
5880, 5910, 5916, 5934,
5942, 5946, 5948, 5960,
5964, 5968, 5970, 5972,
5996, 5998, 6000, 6002,
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Moses Hardrick, et al. (freedmen),	February 13, 1907.
Alexander M. Anderson,	February 21, 1907.
Emiline Patrick,	February 19, 1907.
Leona Arreta Kilpatrick,	February 12, 1907.
Rosa Harley Hicks, (freedman),	February 11, 1907.
Jesse McDonald,	February 2, 1907.
George W. Hill,	February 15, 1907.
Lydia M. Ward, et al. (freedmen),	February 18, 1907.
Mary E. Colter,	February 8, 1907.
Charlotte M. Loughlin, et al.,	February 21, 1907.
Jessie Lee Lipsey, et al.,	February 18, 1907.
Joseph Russell,	February 14, 1907.
John Earl Rathburn, et al.,	February 15, 1907.
Minnie L. Reese, et al. (freedmen),	February 13, 1907.
Clark D. Carney,	February 18, 1907.
George H. Brennan (freedman),	February 14, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Skaggs, et al.,	January 17, 1907.
Alverta Flemmings, et al. (freedmen),	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedman),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
D. H. Flournoy,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Roxie Christine Binns,	February 16, 1907.
Ella Hill, (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarance Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

32 enclosures, and
70 enclosures to Ind. Of.,
with carbon hereof.

A. F. Mc.
2-2-07.

Cherokee F.
D 1328.

COPY

Muskogee, Indian Territory, March 22, 1907.

George Irons,

Melvin, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of yourself and children, Bertha and Bettie Irons, and your word, Elnora Nivens, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

LMC

Cherokee P.
M 631.

COPY

Muskogee, Indian Territory, March 22, 1907.

Starr & Patten,

Attorney for Moses Hardrick, et al.,

Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.C-49
LHC

Cherokee V.
R 574 et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.C-30
LMC

Muskogee, Indian Territory, July 22, 1907.

Commissioner of Indian Affairs,

Washington, D. C.

Sir:

George Irons of Hulbert, Indian Territory, this day appeared at this office and requested that his marriage license and certificate, which he filed in the matter of his application for enrollment as a Cherokee freedman, be returned to him. An examination of the records fails to show that said marriage license and certificate is in the possession of this office.

The application for the enrollment of George Irons, made by his wife, Jenanna Irons, at Fort Gibson, Indian Territory, on April 8, 1901, and the testimony taken shows that said license and certificate was offerred and filed on that day. It would appear that the license and certificate was forwarded to the Department with the record of proceedings had in the case and no copy of the same was retained in the files of this office.

It is respectfully requested that the license and certificate referred to be returned to this office to be delivered to the applicant. The application for the enrollment of George Irons was originally included in the consolidated

Commissioner of Indian Affairs--2.

Cherokee freedmen cases of George Irons, et al., F R 26 et al., in which the Commission to the Five Civilized Tribes, on April 18, 1906, rendered its decision adverse to the applicants. The record was forwarded to the Department on that date and was remanded to this office for rehearing and readjudication on May 11, 1906 (I.T.D. 4667-1906), after which the case of this applicant was included in the consolidated cases of Emma Hardrick, et al., F R 474 et al., in which the Commissioner to the Five Civilized Tribes, on February 13, 1907, rendered his decision adverse to the applicants. Said decision was concurred in by the Acting Commissioner of Indian Affairs on February 27, 1907 (Land 16327, 19108-1907), and was approved by the Department March 4, 1907.

Respectfully,

WMK

Commissioner.

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

I.T. 47287-1907. GAF

August 2, 1907.

Subject:
Marriage certificate
and license of
George Irons.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Office is in receipt of your communication of July 25, 1907, in which you say that George Irons appeared at your office and requested that his marriage license and certificate filed in connection with his application for enrollment as a Cherokee freedman be returned to him. You say that the certificate and license were offered at the time the application for the enrollment of George Irons was made but that the records of your office fail to show that such license and certificate are in its possession.

The record in the application of George Irons for enrollment as a Cherokee freedman shows that on April 8, 1901, the marriage license and certificate were filed with Commissioner Breckenridge at Fort Gibson, Indian Territory. The certificate and license, however, are not now with the record and the Office is unable to locate them.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

C. F. S. 36.

Muskogee, Indian Territory, August 9, 1907.

George Lyons,

Calvin, Indian Territory.

Dear Sir:

Referring to your verbal request of July 25, 1907, that your marriage license and certificate filed in connection with your application for enrollment as a Cherokee freedman be returned to you, you are advised, as you were verbally, that this office directed a communication to the Department requesting the return of your license and certificate and in a letter to this office under date of August 2, 1907, from the Acting Commissioner of Indian Affairs this office is advised that your license and certificate is not on file with the record in your case.

A copy of said letter is inclosed for your information.

Respectfully,

Encl. C.-S. GEL.

Commissioner.

Department of the Interior,

Commission to the Five Civilized Tribes.

To Harrison Nivens

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* first *day of* February, *190* 5, *to testify before said Commission in the matter of the* application for the enrollment of Elnora Nivens as a Cherokee freedman.

Dated at Muskogee, I.T., *this* 30th *day of* January, *190* 5.

Commissioner.

NOR. 36 - H.R. 86

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1901

Acting Chairman.

NOTICE!

In the matter of the application of George Grant for enrollment as a Cherokee Freedman.

Case No. R 36

To George Grant

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita I. T. Indian Territory, on the following dates, to-wit: May 6-7-8-9 1901

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 27 day of April 1901.

Bell, Dougherty & Hardy

Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to George Grant on the 27th day of April A. D. 1901.

Emmit Grant

Subscribed and sworn to before me this 29th day of April 1901.

J. C. Dears Notary Public.

(Seal)

I, Georg Irons do solemnly swear that I am 43 years of age, and that on the 7 day of January 1905, in the Cherokee Nation, Indian Territory, I served the within Subpœna on the within named Harrison Mauns by then and there delivering a true copy of the same to said Harrison Mauns Geo Irons

Subscribed and sworn to before me this 11 day of January 1905

O D Peter Notary Public
Chelsea I.T.

My Commission Expires Dec 1906

(Seal)

Western District

No.

SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commission to the Five Civilized Tribes.

To Harrison Nivens

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee in the Creek Nation, Indian Territory, on the 30 day of January 1905, to testify before said Commission in the matter of the application for the enrollment of Elnora Nivens as a Cherokee Freedman

Dated at Muskogee this 6th day of January 1905

Commissioner.

Tulsa Indian Territory, Nov 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in C.R. 36

Fannie Brown et al

Edward Bulger

Attorney for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 23 1902

ACTING CHAIRMAN.

After ..... return to

MELVIN, IND. T



Hon Dawes Commission

Muskogee

I. T.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Lena [illegible]

FOR [illegible]LMENT AS

CHER[illegible]EEDMEN

A Orgnal testimony Cpy 8.4

B Trans of application " "

C Supplemental testimony Cpy 2.4

D Proof of Service of Notice

Cher Fr R 37

Cher Fr R 37

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 8th, 1901.

In the matter of the application of Lewis Rogers for the enr ollment of himself and one chi ld as Cherokee Freedmen; said Rogers being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Lewis Rogers.
Q How old are you? A About 25.
Q What is your post office? A Braggs.
Q In what district do you live? A Illindis.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anbyody besides yourself? A Yes, sir.
Q Who all? A Child.
Q Have you a wife? A Yes, sir.
Q Do you want to apply for her enrollment? A No, sir.
Q When did you marry her? A I don't know, it has been about four years ago.
Q Just one child? A Yes, sir, one living.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give me the name of your father? A Isaac Rogers.
Q How old is he? A I don't know sir, how old he is, he is not l iving now.
Q Give me the name of your mother? A Rachel Rogers.
Q Is she dead? A No, sir, she is living.
Q What is her age? A I don't know, sir, I spect she is about 55.
Q Give me the name of your child? A Sallie Ann.
Q How old is the child? A She is 11 months old.
Q Give me the name of the mother of this child? A Adeline.
Q How old is she? A About 20 or 21, I disremember.
Q You say you and this woman, Adeline, were married some four years ago? A Yes, sir.
Q She is a colored woman is she? A Yes, sir.
Q But you do not claim she has any rights as a Cherokee Freedman? A No, sir.
Q Have you a certificate of your marriage to her? A No, sir.
Q Were you ever married except to this woman? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Have you had any other children? A Yes, si r.
Q How many? A One.
Q It is dead? A One more besides the one.
Q But it is dead? A Yes, sir.
Q Whenedi d you marry this woman, Adeline? A In Fort Gibson.
Q Who married you? A Judge Meigs.
Q Didn't he give you a certificate of marriage? A No, sir.
Q Is there anybody here knows that you lived together as husband and wife? A John Thompson.

JOHN THOMPSON, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name, please? A John Thompson.
Q How old are you? A 45.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A All my li fe.
Q Do you know this man here, Lewis Rogers? A Yes, sir, I know him.
Q How long hav e you known him? A I knew him when he was quire a sm all child.
Q He is married is he? A Yes, sir, he is marri e d.
Q What is his wife's name? A Her name is Adeline.
Q Were you present when this man married? A I was not, I saw him when he was going to the Judge to get marri ed.

Q About when was that? A If I am not mistaken it was in '97
Q Was he ever married before that? A No, sir.
Q Have they lived together as husband and wife ever since that time?
A Yes, sir; I guess so they live at Braggs.
Q They are living together now, are they? A Yes, sir.
Q You never heard of his haveing been married before? A No, sir.
Q Did you ever hear of her having been married before? A No, sir.
Q Have they got any child? A Why, I haven't saw the child, I understand they have a child born but I haven't saw it.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 Census Roll of citizens of the Cherokee Nation examined and the name of applicant not found thereon.

LEWIS ROGERS, the applicant, re-called, testified as follows:

Q You do not appear to be on the roll of 1880 or the roll of 1896; nor do you father nor mother neither of them upon the roll of 1880. How comes that you were never put on the rolls of the Cherokee Nation? A I ought to be there, I registered.
Q How long has your father been dead? A He has been dead about ten years, as near as I can recollect.
Q And your mother is still living? A Yes, sir.
Q Is her name Rogers now? A Yes, sir.
Q Whom did you father belong to in slavery days? A John Brown.
Q Where did he live? A I don't know sir.
Q Whom did your mother belong to, do you know? A No, sir, I don't
Q Did you ever go by any other name besides Rogers? A No, sir.

(To Roll Clerk? Look for the name of Brown on the roll of 1880. Applicant not identified under that name.)

Q You don't know where your father lived after slavery days?
A No, sir.
Q Whenedid this man Brown live that your father belonbed to?
A I don't knew, sir.
Q You don't know whether he lived in the Cherokee Nation or the States? A I think he lived in the Cherokee Nation.
Q Do you know where your father was during the Civil War? A No, sir, I don't.
Q Never heard him tell about going out of the Cherokee Nation and coming back? A I think,he was in the Cherokee Nation all the time.
Q On what do you base that opinion; what makes you think that?
A I think I heard him say he was in the Cherokee Nation.
Q Did he say anything about being set free? A Yes, I have heard him talking about it, but I was small and don't recollect much about it.
Q Did he ever live in the Cherokee Nation so far as you know?
Q He staid in the Choctaw Nation some.
Q Didhe ever live outside of the Indian Territory as far as you know? A No, sir.
Q Did you draw any Cherokee strip money? A Yes, sir.
Q Did your mother draw any Cherokee strip money? A No, sir.
Q How did you happen to draw if your mother did not draw?
A She ain't no citizen.
Q You claim through your father? A Yes, sir.
Q Have you any brothers and sisters? A I have one brother, half brother; well, I have got more than that but I don't know where there are at.

examined and applicant's name found thereon, page 134, #3329, Louis Rogers, Tahlequah District.

Q You have got some half sisters and half brothers have you?
A I ain't got no half sisters at all.
Q Have you got some hald brothers' A Yes, sir, got two.
Q No full brothers? A No, sir.
Q Are these half brothers both children of your mother, Rachel?
A No, sir.
Q What is the name of their mother? A One of them is,--
Q Got different mothers? A Yes, sir.
Q One of them is the child of what mother? A One of them is the same mother.
Q Give me the name of the older of your half brothers? A James Brown.
Q Is he a child of your mother, Rachel? A Yes, sir.
Q Give me the name of the next one? A Willie Rogers.
Q He is not a child of your mother, Rachel? A No, sir.
Q Who is his mother? A His mother is named Rell, I think.
Q William Is younger than James? A Yes, sir.
Q Did your father and mother live together until your father died?
A Yes, sir.
Q Your father then is not the father of James? A No , sir.
Q Your mother was married before she married your father?
A Yes, sir.
Q Was your father ever married except to your mother? A Not that I know of.
Q What is the name of the father of your half brother James Brown?
A Basup Brown I think.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I don't know, sir.
Q Did you ever see him? A No, sir, not that I know of, it was before I was born.
Q Do you know whether he was dead when your father and mother began living together? A Yes, sir.
Q You thi nk he was dead then? A Yes, sir.
Q Have you any proof of marriage between your father and your mother, Rachel? A No, sir.
Q Is there anybody here knows that they were married? A I spect they is; I think they is people here that knows that.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of himself and one child: He is 25 years of age. He stat es that he has lived in the Cherokee Nation all his life, and that his mother has no rights as a Cherokee Freedman, or in any way to Cherokee citizenship, his claim being through his father, but the applicant is not identified on the roll of 1880 or the roll of 1896. It appears that his father died some ten years ago, but he cannot be identified on the roll of 1880. The applicant himself is i dentified on the Clifton and Kerns roll, but it does not appear from the record and from the vague testimony which he is able to give, that he has any right to be enrolled as a Cherokee Freedman, and the application for his enrollment is rejected and he is listed for rejectidn. It is shown by satisfactory personal testimony that he and his wife were married in 1897, and he states that neither was previously marri ed. He makes no claim for his wife, who he states posstesses no rights as a Cherokee citizenx or Freedman, and hence the child, Sallie A. Rogers, not appear to possess any rights through its father or mother cannot be considered at this time as being entitled to enrollment, and the application for the enrollment of this child will be it listed for rejection.

Lewis Rogers, et al.--4.

J. O. Reesen being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reesen

Subscribed and sworn to before me this 9th day of April, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 8 1901

Acting Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 8 1901

Post Office Braggs I.T.

District Illinois

1. Name Lewis Rogers Age 25

Owner's name Citizenship

Year KC Page 194 No. 3329 District Tah.

Parents:

Father Isaac Rogers Citizenship Chr. Freedman dead

Mother Rachel Rogers Citizenship Muscogee living

~~X~~ Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Adeline Rogers Citizenship Colored living.

Names of Children:

2 ~~X~~. 1 Sallie A. Rogers Year Page No. Dist. Illegible

4. Year Page No. Dist.

5. Year Page No. Dist.

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10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No Stenographer J.D. Rosson

No. 1 - Ask C. Ray Roll as Louis Rogers

No. 2 Affidavit of birth to be supplied

A

Cherokee Freedmen R #37

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis Rogers and minor children, Sallie A. and Alonzo Rogers, as Cherokee Freedmen:

D E C I S I O N

The record in this case shows that on April 8, 1901, Lewis Rogers appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself and minor child, Sallie A. Rogers, as Cherokee Freedmen. On June 27, 1902, a birth affidavit, which is made a part of the record herein, was filed with this Commission showing the birth of Alonzo Rogers on February 5, 1902.

The evidence shows that the applicant, Lewis Rogers, is the son of Isaac and Rachel Rogers; that he was born after 1866 and claims right to enrollment as a descendant of the said Isaac Rogers. The evidence does not show that the said Isaac Rogers was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The evidence further shows that the said Sallie A. and Alonzo Rogers are the minor children of Lewis Rogers and his wife, Adeline, a state woman, and that they claim right to enrollment as descendants of said Lewis Rogers.

None of the names of said applicants are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Lewis Rogers, Sallie A. Rogers and Alonzo Rogers, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUL . 0 .

Cherokee Freedmen R-37

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Lewis Rogers and his two minor children as Cherokee Freedmen.

It appears that on October 13, 1904, the app icant, his attorney and the attorney for the Cherokee Nation were duly notified by letter that an oppertunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory on November 18, 1904, and introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

On November 18, there being no appearances, case was continued by consent, andm on November 21, 1904, the following proceedings were had.

APPEARANCES:

Applicant appears in person and by attorney, R.R. Cravens Cherokee Nation by W. W. Hastings.

RACHEL ROGERS, being duly sworn, testifies as follows:

BY R. R. CRAVENS:

Q What is your name? A Rachel Rogers.
Q How old are you? A I don't know my age.
Q About how old are you? A I could not tell you, for I don't know; pretty well along in age.
Q What is your post office address? A Braggs, Indian Territory.
Q Do you know Lewis Rogers? A Yes,sir.
Q Are you related to him? A Yes,sir, he is my son .
Q What was his father's name? A Isaac Rogers.
Q He is dead? A Yes,sir, he is dead.
Q Was he the slave of a Cherokee citizen? A Yes,sir.
Q What was his owner's name? A Brown .
Q What Brown? A Richard Brown.
Q Where did Richard Brown live? A He lived in the Choctaw Nation.
Q In the Choctaw Nation? A Yes,sir, he married a Choctaw citizen and lived in that Nation.
Q But he was a Cherokee? A Yes,sir.
Q And he was the owner of Isaac Rogers, your husband? A Yes,sir
Q Did Isaac live in the Territory all his life? A Yes,sir lived in the Territory all his life.
Q Did Richard Brown ever live in the Cherokee Nation?
A Yes,sir, he lived in the Cherokee Nation.
Q When did he live in the Cherokee Nation? A I could not tell you that, but he married in the Choctaw Nation, married a Choctaw citizen.
Q Can you remember the war? A Yes,sir.
Q How old were you when the war broke out? A I could not tell you that,
Q Were you grown? A Yes,sir, I was the mother of two children when the war began

Q Do you know how old Lewis is? A My son?
Q Yes? A He is twenty-eight years old.

BY W. W. HASTINGS:
Q Was Richard Brown living when the war came up; how long before the war did he die? A I don't know how long.
Q You know that he died several years before the war? A Yes,sir
Q His children were all Choctaw citizens and lived in the Choctaw Nation? A Yes,sir.
Q And you lived there? A Yes,sir, I am a Choctaw citizen myself
Q And by your residence you acquired your rights? A Sir?
Q You got your rights in the Choctaw Nation because you lived there? A Yes,sir.
Q Who did you belong to when the war come up? A A man by the name of Krebbs? Q Was that a son-in-law of Brown? A No,sir
Q Then they sold you to Krebbs before the war did they?
A No,sir, the woman that I belonged to married Krebbs.
Q And she was a Choctaw citizen? A Yes,sir, she was a Choctaw citizen and she married a Choctaw citizen.
Q Who was Lewis' father? A Isaac Rogers.
Q And who did Isaac belong to? A To Richard Brown, a Cherokee citizen.
Q And Richard Brown lived in the Choctaw nation and died there a number of years before the war? A Yes,sir.
Q And his children were all Choctaw citizens wheren't they?
A Yes,sir
Q And Lewis father belonged to one of the children when the war came up? A Yes,sir.

COMMISSION:
Q To whom did Isaac belong when the war came up? A He belonged to the Browns.
Q Which one? A Richard.
Q The old man? A Yes,sir.
Q But he was dead, you said, didn't you? A Well, to the children.
Q Which one of the children? A John, the oldest one.
Q Was John Brown a Choctaw citizen at that time? A Yes,sir.
Q And lived in the Choctaw Nation? A Yes,sir.
Q Where did he live? A Why down about what they called the Bluffs, they went south when the war come up .
Q Did this John Brown ever live in the Cherokee Nation, so far as you know? A John Brown?
Q John Brown? A Well, I don't know , sir.
Q He never lived in the Cherokee Nation before the war, did he?
A No, sir, not that I know of.
Q Did you ever know of him living in the Cherokee Nation after the war? A No, I don't know that he did.
Q Where does he live now? A He did live down about McAlester, I don't know whether he lives there now or not.
Q Is or is not John Brown a citizen of the Choctaw Nation, so far as you know? A Yes sir. I thought he was a citizen of the Cherokee Nation.
Q Do you know from your own knowledge, Mrs. Rogers that he is a Choctaw citizen, is it your information that he is a Choctaw citizen? A I don't know, I know his mother was a Choctaw and his father was a Cherokee.

BY MR. HASTINGS:
Q Is he a recognized Choctaw citizen?
A I know his mother was.

By COMMISSION:
Q Do you claim any rights to enrollment as a Cherokee freedman?
A No, sir.
Q If you have any rights you claim them in the Choctaw Nation do you? A Yes, sir, I was raised in the Choctaw Nation.

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Lucy M. Bowman being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings had in this case and that the above and foregoing is a full true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 30 day of November, 1904

Charles W. Lawson
Notary Public.

Cherokee Freedman-R-57.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lewis Rogers et al. as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on April 8, 1901 Lewis Rogers appeared before the Commission, at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his minor child, Sallie A. Rogers, as Cherokee Freedmen. Subsequently affidavits, which are made a part of the record herein, were filed with the Commission, showing the birth of Alonzo Rogers and the said Sallie A. Rogers.

It appears from the record herein that on July 10, 1903 the Commission rendered a decision in the matter of the above application in which the applicants were denied the right to enrollment as Cherokee Freedmen. This decision, with the record, was forwarded to the Department and, as is shown by Departmental letter of April 4, 1904, attached hereto, was remanded to the Commission for further investigation. Further proceedings were had in the matter of this application at Muskogee, Indian Territory, on November 21, 1904.

The evidence shows that the principal applicant, Lewis Rogers, was born since the war of the Rebellion, and that he is the son of Isaac and Rachel Rogers, and has no right to enrollment except those derived through his father, the said Isaac Rogers, who is alleged to have been the slave of a Cherokee citizen at the beginning of said war. The evidence shows that the said Isaac Rogers was not the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation, at the beginning of the war of the Rebellion. The minor applicants, Sallie A. Rogers and Alonzo Rogers are the children of Lewis Rogers, and have no rights to

enrollment except those derived through him. Lewis Rogers cannot be identified upon the 1880 Authenticated Roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the decision of July 10, 1903 should be affirmed, and that the application for the enrollment of Lewis Rogers, Sallie A. Rogers, and Alonzo Rogers as Cherokee Freedmen should be denied, in accordance with the previsions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

MAY 2 1905

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee freedmen
R-37

Muskogee, Indian Territory, July 22, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Lewis Rogers for the enrollment of himself and his two minor children Sallie A. and Alonzo Rogers, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-7

COPY.

Cherokee Freedman
R-37

Muskogee, Indian Territory, July 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lewis Rogers for the enrollment of himself and his two minor children, Sallie A. and Alonzo Rogers, as Cherokee freedmen, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-8

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
R-37

Muskogee, Indian Territory, July 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lewis Rogers for the enrollment of himself and his two minor children, Sallie A. and Alonzo Rogers, as Cherokee freedmen, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-8

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
R-37

Muskogee, Indian Territory, July 22, 1903.

Lewis Rogers,

Braggs, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Sallie A. and Alonzo Rogers, as Cherokee freedmen, together with a copy of the Commission's decision dated July 10, 1903, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. D-6

Register

Refer in reply
to the following:
Land 46541-1903.

COPY

Department of the Interior,
Office of Indian Affairs,
Washington, February 6,1904.

The Honorable,
The Secretary of the Interior.
Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Lewis Rogers for the enrollment of himself, and his minor child, Sallie A. Rogers, as Cherokee Freedmen, and it further appears from the record that a birth affidavit has been filed showing the birth of Alonzo Rogers on February 5,1902, which affidavit is also made a part of the record.

On July 10,1903, the Commission rendered a decision in this case, finding from the evidence that the applicant Lewis Rogers is the son of Isaac and Rachel Rogers; that he was born after 1866, and claims right to enrollment as a descendant of said Isaac Rogers, that the evidence does not show that said Isaac Rogers was the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion; that the evidence shows that the said Sallie A. and Alonzo Rogers to be the minor children of Lewis Rogers and his wife Adeline, a mix state woman; and that they claim right to enrollment as descendants of said Lewis Rogers.

The Commission furthee finds that none of the names of said applicants are found on the

Lewis applicants are found on the 1880 authenticated roll of the Cherokee Nation; and that the application for the enrollment of these parties should be denied under the provisions of Section 21, of the act of Congress approved June 28,1898 (30 Stats.,495).

I have examined the testimony submitted in this case and find that the principal applicant, Lewis Rogers, testifies that he is about twenty-five years old; that he has lived in the Cherokee Nation all his life; that his father's name was Isaac Rogers, and his mother's, Rachel Rogers; that his father is dead but that his mother is still living.

The witness, John Thompson, testifies that he is forty-five years old; that he has lived in the Cherokee Nation all his life, and knew the applicant when a small child.

Lewis Rogers being recalled, testifies that his mother is still living; that his father belonged to John Brown in slavery times but that he does not know where he lived. The applicant further testifies that he does not know where his father was during the civil war, but thinks he heard his father say he was in the Cherokee Nation at that time. The applicant states that he has one half-brother; that he has got more than that but he does not know where they are.

The applicant is then questioned about his brothers and sisters and half-brothers, but I find no further testimony whatever throwing any light on the claim of the applicant. I am unable to determine upon what ground the Commission rendered said decision in this case. So far as I am able to judge, there is not a particle

of testimony tending to show that the ancestors of this applicant were not the slaves of Cherokee citizens, nor is there any evidence sufficient to show that the said Lewis Rogers was the slave of a Cherokee citizen at the commencement of the rebellion. The applicant testifies that his mother is still living and I certainly think that if that is true, her testimony should have been taken for she ought to be able to say whether or not she or her husband were ever slaves of Cherokee citizens, and if so who their masters were and could state other facts either showing that this applicant is or is not entitled to be enrolled as a Cherokee Freedman.

Inasmuch as it is the duty of the Commission to make these investigations as to citizenship and there is no duty to be performed by the applicants themselves in that connection, I can not understand why the mother of this applicant was not called as a witness. I find that I am unable to render any decision as to the rights of this applicant as the record now stands, and respectfully suggest that the same be returned to the Commission with instructions to take the testimony of the mother of this applicant if she is still living and to secure other testimony or evidence, if possible, showing whether the claim of this applicant is true or otherwise.

Very respectfully,

(signed)A.C.Tonner.
Acting Commissioner

W.C.B.(B)

D.C.10882-1904.
I.T.D.1158-1904.
L.R.S.

W.C.F.
FHE

Department of the Interior,

Washington, April 4,1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On July 22,1903, you transmitted the record in the matter of the application of Lewis Rogers, for the enrollment of himself and his two minor children, Sallie A. and Alonzo Rogers, as Cherokee freedmen, including your decision of July 10,1903, rejecting the applicants.

Reporting February 6,1904, the Acting Commissioner of Indian Affairs recommends that the record be returned, and that you be directed to secure the testimony of the principal applicant's mother, if now living, and other testimony if possible, to show whether the claim of the applicants is true.

It appears that the principal applicant's mother was living at the date of the application. The Department considers it was your duty to secure her testimony in this case if possible. The case is remanded in accordance with the Acting Commissioner's recommendation. You are directed to allow the applicants and the attorney for the Cherokee Nation a reasonable time within which to produce further testimony and to secure the testimony of the principal applicant's mother if possible.

A copy of the Acting Commissioner's letter is inclosed, together with the testimony and papers attached.

2 inclosures.

Respectfully, (signed) Thos. Ryan,
Acting Secretary.

COMMISSIONERS
JAMES BRYAN
THOMAS B. N. FOLEY
J. R. BRECKINRIDGE
WM. C. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 37

Muskogee, Indian Territory, May 7, 1904.

W. T. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Lewis Rogers, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding this case and directing that further testimony be taken tending to show conclusively whether or not the applicants are entitled to enrollment as Cherokee freedmen. The Department especially desires that the testimony of the principal applicant's mother, Rachel Rogers, be secured.

In accordance with the Department's instructions the principal applicant has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce further testimony in support of his application. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 37

Muskogee, Indian Territory, May 7, 1904.

Lewis Rogers,

Braggs, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and your two minor children as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 10, 1903, rejecting your said application. The Department directs that further testimony be taken tending to show conclusively whether or not you are entitled to enrollment as a Cherokee freedman and requests that the testimony of your mother, Rachel Rogers, be secured.

You are accordingly hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce further testimony in support of your application, and it is particularly requested that you introduce the testimony of your mother, if living.

Respectfully,

Commissioner in Charge.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-37.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Lewis Rogers et al, for enrollment as Cherokee freedmen, the Commission's decision in which case rejecting the applicants, has been remanded by the Department for further testimony tending to show more definitely whether or not the applicants are entitled to enrollment as Cherokee freedmen, and which case was set for hearing at Muskogee, on June 15, 1904. You are advised that the applicants having failed to appear, this case is again set for hearing at nine o'clock A. M. on Saturday, July 16, 1904, and the principal applicant has this day been advised that he will be allowed to appear on that day and introduce testimony in support of his application. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

E-37.

Muskogee, Indian Territory, August 10, 1904.

Lewis Rogers,

Bragge, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and two children as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of April 4, 1904, remanding the Commission's denial of July 10, 1903, rejecting your said application.

In accordance with instructions contained in said letter you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, September 19, 1904, and introduce the testimony of such witnesses as you may be able to procure in support of your said application. You are also directed to introduce before the Commission on that day, the testimony of your mother, Rachel Rogers.

Respectfully,

Register. Commissioner in Charge.

COPY.

Cherokee Freedman
R-37.

Muskogee, Indian Territory, December 12, 1904.

R. R. Cravens, Attorney for
Louis Rogers, et al.,
Muskogee, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 21, 1904, in the matter of the application for the enrollment of Louis Rogers, et al., as Cherokee Freedmen, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Encl. 00-32.

COPY.

Muskogee, Indian Territory, December 12, 19

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental proceedings had in the following Cherokee Freedman Enrollment Cases on the date indicated.

November 15, 1904.

Howard Bushyhead, Cherokee Freedman D-980.

Jackeie Ann Markham, et al., Cherokee Freedman R-346.

November 17, 1904.

Martha Washington, Cherokee Freedman R-343.

November 18, 1904.

Eliza A. Arnold, Cherokee Freedman D-74.

Rachael Graves, Cherokee Freedman D-1131.

John Lynch, Cherokee Freedman D-384.

Mary Gunter, et al., Cherokee Freedmen R-186.

George Amos Mayfield, et al., Cherokee Freedmen R-5.

November 19, 1904.

Daniel Roach, et al., Cherokee Freedmen 40.

November 21, 1904.

Louis Rogers, et al., Cherokee Freedmen R-37.

Malvina Williams, et al., Cherokee Freedmen D-1074,
Calvin Goins, et al., Cherokee Freedmen D-179,
November 22, 1904.
Charlotte Potts, et al., Cherokee Freedmen D-336,
November 22, 1904.
Eliza Robinson, Cherokee Freedmen D-161,
Nancy Fairfield, et al., Cherokee Freedmen D-326,
November 17, 1904.
Chaley Rowland, et al., Cherokee Freedmen D-335,
Respectfully,

Encl. 66 19.

SIGNED. Tams Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-37.

Muskogee, Indian Territory, May 2, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Lewis Rogers, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-40

Chairman.

Dear Sir:

[illegible] the Commission to the Five Civilized Tribes, dated [illegible], adhering to its decision of July 10, [illegible], rejecting the application for the enrollment of yourself and your minor children, Sallie A. and Alonzo Rogers, as Cherokee freedmen. There has heretofore been furnished your attorney, Frank Boudinot, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

[illegible]
Register

COPY.

Cherokee Freedmen

R-37.

Muskogee, Indian Territory, May 2, 1905.

Frank Boudinot,

Attorney for Lewis Rogers, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Lewis Rogers, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby

Chairman.

Incl. 5-30
Register

Cherokee Freedmen
R-37.

Muskogee, Indian Territory, May 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Lewis Rogers, et al., as Cherokee freedmen, including the Commission's decision dated May 2, 1905, rejecting said application.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-41

Through the

Commissioner of Indian Affairs.

Land.
34876-1905.

DEPARTMENT OF THE INTERIOR ,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 2, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Lewis Rogers for himself and his minor children, Sallie A. and Alonzo Rogers.

May 2, 1905, the Commission decided adversely to the applicants.

The record shows that on July 10, 1903, the Commission decided adversely to these applicants and that on April 4, 1904, the Department remanded the case to the Commission for further investigation. The record further shows that the principal applicant, Lewis Rogers, was born since the war of the rebellion; that he is the son of Isaac and Rachel Rogers and has no right to enrollment except through his father, who is alleged to have been the slave of a Cherokee citizen at the beginning of the war. The record further shows that Isaac Rogers was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion.

The minor applicants are the children of Lewis Rogers and have no rights to enrollment except as his descendants. Lewis Rogers' name is identified on the Kern-Clifton roll only.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M.
W.

D.C. 13103.

G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.5864-1905.

April 5, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 2, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application for the enrollment of Lewis Rogers, Sallie A. Rogers, and Alonzo Rogers as Cherokee freedmen, including its decision dated May 2, 1905, denying said application.

May 19, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission, denying said application, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes dated May 2, 1905, denying the application for the enrollment of Lewis Rogers, Sallie A. Rogers, and Alonzo Rogers is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

GTB

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-37.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 14, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application of Lewis Rogers for the enrollment of himself and children, Sallie A. and Alonzo Rogers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1906.

There is inclosed herewith, for your information, copy of Departmental decision.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. S-43

Cherokee Freedmen

R-37.

COPY.

Muskogee, Indian Territory, April 14, 1906.

Lewis Rogers,

Bragge, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting your application for the enrollment of yourself and children, Sallie A. and Alonzo Rogers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1906.

Respectfully,

(SIGNED).

Wm O Beall

Acting Commissioner.

LS

Cherokee Freedmen

COPY.

R-37.

Muskogee, Indian Territory, April 14, 1906.

Frank Boudinot,

Attorney for Lewis Rogers, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application of Lewis Rogers for the enrollment of himself and children, Sallie A. and Alonzo Rogers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Wm O Beall

Acting Commissioner.

Incl. S-42

Cherokee Freedmen
R 37

Muskogee, Indian Territory, March 15, 1907

Louis Rogers,

Braggs, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of February 22, 1907 , in reference to your right to enrollment as a citizen of the Choctaw or Cherokee Nation.

In reply you are advised the records of this office show that your application for the enrollment of yourself and children as Cherokee freedmen was denied by the Secretary of the Interior on April 5, 1906, and you have heretofore been informed that the records apparently fail to show that any application was ever made for your enrollment as a citizen or freedman of the Choctaw Nation.

For your information there is quoted to you the following provision of the Act of Congress approved April 26, 1906 (34 Stat. 137):

"Provided, That the rolls of the tribes

affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

The letter enclosed with your letter is returned to you herewith.

Respectfully ,

L M B

Commissioner

Encl. B-35

Cher Fr R 38

Cher Fr R 38

Department of the Interior.
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 8th 1901.

In the matter of the application of Robert Sanders for the enrollment of himself and his wife and four children as Cherokee Freedmen: he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Robert Sanders.
Q What is your age? A. 44 or 45.
Q What is your post office address? A. Milvin.
Q What district do you live in? A. Tahlequah
Q Do you make application for enrollment as a Cherokee Freedman? A Yes sir.
Q Have you ever made application for enrollment as a freedman of any other Nation? A. No sir,
Q Who do you desire to have enrolled besides yourself? A. My wife and four children.
Q What is your wifes name? A. Mary.
Q How old is she? A. 35.
Q What are the names of your children? A. Allen
Q How old A. 19
Q Next child? A. Andy.
Q How old? A. 15.
Q Next child? A. John
Q How old? A.13.
Q Next child? A. Martha.
Q How old? A. 8.
Q Were you born a slave? A. Yes sir.
Q What was your owners name? A. Nick Sanders.
Q Were you taken outside of the Cherokee Nation Caring he war? A. No sir.
Q Have you always lived in the Cherokee Nation? A. Yes sir.
Q Born there? A. Yes sir.
Q What was your fathers name? A. Think he was called Prince.
Q Prince what? A. Prince Albert.
Q What was your mothers name? A. Lucy.
Q Was you wife in the Cherokee Nation during the war? A. I dont know
Q When did you first know Mary? A. 25 years ago.
Q Where was she born? A. I dont know.
Q Is she here? A. No sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of applicant identified thereon as follows: page 283, No. 1977, Bob Sanders, Tahlequah District.

Q Is your wife Mary not on the roll of 1880 or do you know? A. I dont know.
Q Were you married to her? A. Yes sir.
Q Have you a certificate of marriage? A. No sir.
Q Is there any one here who knows that you have been living with her for 15 or 20 years? A. Yes sir.

By W. W. Hastings, Cherokee Representative:

Q She was never recognized as a Cherokee Freedman was she? A. No sir
Q Who married you? A. Albert Smith.
Q Is he living? A. Yes sir.

The 1880 census roll of the Cherokee Nation examined and the applicants identified thereon as follows: Page line, No. Bob Sanders, Tahlequah District. Page line, No. Mary [illegible], Tahlequah District, Page line, No. Allen Sanders [illegible] Page line, No. Andy Sanders, Tahlequah district. Page line, No. John Sanders, Tahlequah District. Page what, No. Martha Sanders, Tahlequah District.

Q Are these children all alive now? A Yes sir.

Q You say you have always lived in the Cherokee Nation? A. Yes sir

By Comr. Needles.

The name of Robert Sanders appears on the authenticated roll of 1880 as well as the census roll of 1896. He avers that he is married to Mary Albert, and that by said Mary Albert he has four children, Allen, Andy, John and Martha, whose names are found on the census roll of 1896. In order to complete the enrollment of his four children it will be necessary for him to file a certificate of marriage with this Commission. They said Robert Sanders and his four children as named herein being duly identified and having made satisfactory proof of residence, will be listed for enrollment as Cherokee Freedmen. Applicant applies for the enrollment of his wife Mary; her name is found on the census roll of 1896; but not on the authenticated roll of 1880 and no satisfactory proof of her citizenship is ~~and~~ made; In fact the testimony shows thatshe is not a citizen and for that reason the application for her enrollment will be refused and she will be rejected.

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Chas. von Weise, beingsworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 9th of April, 1901, at Fort Gibson, I. T.

Commissioner.

MEMORANDUM

FR 38

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 8 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 8 1901

Post Office Melvin

District Tahl

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Mary Sanders Age 35

Owners name ..... Citizenship .....

Year 1896 Page 1323 No. 601 District Tahl.

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Robert Sanders Stenographer Van Weere Blair.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 5, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Mary Sanders for enrollment as a Cherokee freedman.

It appears that on the 29th day of February, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 5, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

On April 5, 1904, Clark Grimmett appearing on behalf of the applicant and W. W. Hastings on behalf of the Cherokee Nation by agreement of the parties the following testimony was submitted for the applicant:

APPEARANCES:
W. W. Hastings for the Cherokee Nation.

EMMA SMITH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A My name is Emma Smith.
Q How old are you? A Can't hardly tell; I will have to make a rough guess at it; about 75 years old.
Q What is your postoffice address? A Fort Gibson.
Q You claim right to enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know Mary Sanders, the wife of Robert Sanders who has applied for enrollment as a Cherokee freedman? A Yes, sir.
Q How old is she? A She is about 40, I guess.
Q How long have you known her? A I have known her about 40 years.
Q All her life? A Yes, sir.
Q You know both her father and mother? A Yes, sir, I know her mother---
Q You don't know her mother? A Yes, sir.
Q What was her name? A Lucy.
Q Were either her father or her mother slaves of Cherokee citizens before the war? A Her mother was a slave; I don't know when; her father wasn't; I don't know nothing about her father.
Q Who did Mary Sanders' mother belong to before the war? A Belonged to a man by the name of Drewningbell, a Cherokee man.
Q Where did he live in the Cherokee Nation before the war? A He lived in Flint, four miles from where I live.
Q Was Mary born before the war or after the war? A After the war.
Q Do you know whether or not Mary Sanders' mother was taken ~~herxxxx~~ out of the Cherokee Nation during the war? A No, I don't know, I was sent off, and I don't know whether she went out or not; we scattered so I couldn't tell, but she was a Cherokee freedman.
Q Where were you during the war? A During the war, I was down south, in Texas.
Q When did you come back? A I stayed there three year before I come back.
Q Do you know what time it was when you come back? A All I can tell you it was before the treaty was made.

Q When did you first see Mary Sanders' mother after the war? A It was about 20 years after I came back.
Q 20 years after the war? A Yes, sir.
Q Where was she then? A Down here at Gibson, where I saw her.
Q Do you know where Mary Sanders was born? A No, sir, I don't.
Q When did you first see her after the war? A The same time I saw her mother, some 20 years after the war at Fort Gibson.
Q Do you know how long they had been living there? A No, sir, I don't know how long they had been living there.

CLARK GRIMMETT, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Clark Grimmett.
Q How old are you? A I am about 51.
Q What is your postoffice address? A Fort Gibson.
Q Do you claim right to enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know Mary Sanders, the wife of Robert Sanders? A Yes, sir.
Q How long have you known her? A About 30 years.
Q Did you know either her father or mother? A Know her mother; knew her father after the war, but not before.
Q What was her mother's name? A Lucy.
Q What was her father's name? A Prince Albert.
Q Were either her father or mother slaves of Cherokee citizens before the war? A Yes, sir.
Q How do you know? A I knew the old lady Sanders; I was a small boy.
Q Who did the mother belong to? A To a man by the name of Drewingbell.
Q Was Mary Sanders born before the war or after the war? Don't know; couldn't tell that; don't know when she was born; I knowed them after the war at Fort Gibson.
Q Where did you first see Mary Sanders after the war? A At Fort Gibson.
Q That was some 30 years ago? A Yes, sir.
Q You knew nothing of her before that time? A No, sir.
Q Where did you first see her mother after the war? A Fort Gibson.
Q At the same time? A Yes, sir.
Q You know nothing about whether or not she was taken out of the Cherokee Nation during the war? A No, sir, don't know nothing about that.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this 6th day of April, 1904.

Charles H. Sawyer

Notary Public.

Cherokee Freedmen R-38

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Mary Sanders as a Cherokee Freedman.

On October 18, 1904, the applicant was notified by registered mail, and on October 26, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Mary Sanders as a Cherokee Freedman would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 23rd, day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 23rd day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 14 day of December, 1904

Charles M. Sawyer
Notary Public.

Cherokee Freedmen R-38

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Mary Sanders as a Cherokee Freedman.

On October 15, 1904, the applicant was notified by registered mail, and on October 26, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Mary Sanders as a Cherokee Freedman would be taken up by the Commission to the five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 23rd, day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 23rd day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o-o-:O:-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. M. Vance

Subscribed and sworn to before me this 14 day of December, 1904

Charles A. Sawyer
Notary Public.

Cherokee Freedmen R 38

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Sanders as a Cherokee Freedman.

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D E C I S I O N.

The record herein shows that on April 8, 1901, Robert Sanders appeared before this Commission at Fort Gibson, Indian Territory, and made application for the enrollment, among others, of his wife, Mary Sanders, as a Cherokee freedman. The others included in said application have been heretofore disposed of, and they will not be embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, April 5, and November 23, 1904.

The evidence herein shows that the applicant, Mary Sanders, was born about the year 1866, and is the daughter of Prince and Lucy Albert; and that the said Prince Albert was a non-citizen of the Cherokee Nation, and the said Lucy Albert was the slave of a Cherokee citizen at the commencement of the Rebellion.

After ample opportunity having been afforded, the applicant has failed to establish that either she or her said mother, Lucy Albert, complied with the provisions of the Whitmire decree, relative to residence in the Cherokee Nation, under Article nine of the treaty of 1866. Neither the said applicant, Mary Sanders, nor her mother, Lucy Albert, can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant, et al., (I.T.D. 3642 -04), Ed Williams, (I.T.D. 4230-04),

William Rector, (I. T. D. 1468-04), Minnie Duncan, et al., (I. T. D. 1470-04), Samantha Chambers , (I. T. D. 2296-04), and Martha Albert, et al., (I. T. D. 4732-04), the application for the enrollment of Mary Sanders as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Mary Sanders, F. R. 38, and James Scott et al., F. D. 157, as Cherokee Freedmen. 7 R 522

MOTION FOR REHEARING.

Comes now the applicants and move the Honorable Secretary of the Interior to grant them a rehearing in this case and to remand the case to the Honorable Commissioner to the Five Civilized Tribes in order that they be afforded an opportunity to prove that Lucy Albert, the mother of the applicants, who was the slave of a Cherokee Citizen at the beginning of the war of the rebellion, returned to said Nation and established her residence therein after said war prior to February 11, 1867; and that she attaches hereto two affidavits of her witnesses, and she has a number of witnesses by whom she can prove the same statement.

Respectfully,

Starr & Patton

Attorneys for Applicants.

UNITED STATES OF AMERICA,
WESTERN DISTRICT } ss.
INDIAN TERRITORY

J. C. STARR, of lawful age being first duly sworn, on oath says that he is one of the Attorneys for Applicants in the above entitled case and that the Motion for rehearing is made in good faith, not for the purposes of delay but in order that justice may be done.

J C Starr

Subscribed and sworn to before me this 13th day of June, A.D., 1906.

Jesse Patton
Notary Public.

My commission expires December 16, 1909.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY) ss.
WESTERN DISTRICT)

On this 13th day of June, A. D.,1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Western District of the Indian Territory, ELIZA TUCKER, of lawful age, who bei ng first duly sworn, on her oath deposes and says:-

"My name is Eliza Tucker. My age is 59 years and my Post Office is Vinita, Indi an Territory. I Iam duly and lawfully enrolled upon the 1880 roll and have received my allotment of land in the Cherokee Nation, Indian Territory. I knew Lucy Scott who afterwards became Lucy Albert and who married a man by the name of Prince Albert, when I was a small girl before the Civil War. She was then living in Flint District Cherokee Nation, Indian Territory. I knew her in 1865 around Tahlequah and also in 1866 about Fort Gibson. I know that Lucy Albert lived in the Cherokee Nation continuously from 1865 until her death and that the applicants, Mary Sanders and James Scott,have lived in the Cherokee Nation all of their lives; that they were living in the Cherokee Nation in 1866 and have continued to live in the Cherokee Nation up to the present time."

Witness to mark:
J. C. Starr.

ELIZA her x mark TUCKER

Subscribed and sworn to before me this 13th day of June, A. D.,1906.

JESSIE PATTEN

NOTARY PUBLIC.

(SEAL)

My commission expires December 16, 1909.

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (ss.
WESTERN DISTRICT)

On this 13th day of June, A. D.,1906 personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Western District of the Indian Territory, CHLORA FOREMAN, of lawful age, who being duly sworn on her oath deposes and says:-

"My name is Chlora Foreman. My age is 52 years and my Post Office is Vinita, Indian Territory. I am duly and lawfully enrolled upon the 1880 roll and have received my allotment of land in the Cherokee Nation, Indian Territory. About the close of the Civil War I became acquainted with a woman by the name of Lucy Scott at Fort Gibson, Indian Territory. This Lucy Scott married a man by the name of Prince Albert and during her married live was known as Lucy Albert. At the close of the Civil War she was living with the Crapoe's near Fort Gibson and I know that she continued to live in the Cherokee Nation continuously from 1865 until her death. I know that James Scott and Mary Sanders have lived all of their lives in the Cherokee Nation, Indian Territory and never at any time lived outsi de of said Nation and that their Mother, Lucy Albert, lived in the Cherokee Nation to my certain knowledge continuously from the year of 1865."

Witness to mark:
J. C. Starr

CHLORA her x mark FOREMAN

Subscribed and sworn to before me this 13th day of June, A. D.,1906.

JESSIE PATTEE
NOTARY PUBLIC.

(SEAL)

My commissi on expires December 16, 1909.

A F F I D A V I T.

UNITED STATES OF AMERICA,
INDI AN TERRITORY
NORTHERN DISTRICT } SS.

On this 6th day of July, A. D.,1906, personally appeared before me, the undersigned, a United States Commissioner duly commissioned and acting within and for the Northern District of the Indian Territory, ELIZA TUCKER, of lawful age, who being first duly sworn, on her oath deposes and says:-

"My name is Eliza Tucker. My age is 59 years and my Post Office is Vinita, Indian Territory. I am duly and lawfully enrolled upon the 1880 roll and have received my allotment of land in the Cherokee Nation, Indian Territory. I knew Lucy Scott who afterwards became Lucy Albert and who married a man by the name of Prince Albert, when I was a small girl before the Civil War. She was then living in Flint District, CherokeeNation, Indian Territory. I knew her in 1865 around Tahlequah and also in 1866 about Fort Gibson. I know that Lucy Albert lived in the Cherokee Nation continuously from 1865 until her death and that the applicants, Mary Sanders and James Scott, have lived in the Cherokee Nation all of their lives; that they were livi ng in the Cherokee Nation in 1866 and have conti nued to live in the Cherokee Nation up to the present time."

her
ELIZA X TUCKER
mark

Witnesses to mark:

W. M. SIMMS
VINITA.

T. J. FARRAR.

Subscribed and sworn to before me this 6 day of July, 1906.

THOMAS J. FARRAR

United States Commissioner
for the Second Commissioners
District of the Northern
District of the Indian Territory.

My commission expires _____

A F F I D A V I T.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
NORTHERN DISTRICT } ss.

On this 6th day of July, ~~A.D.~~, 1906, personally appeared before me, the undersigned, United States Commissioner duly commissioned and acting within and for the Northern District of the Indian Territory, CLORA FOREMAN, of lawful age, who being duly sworn, on her oath says:

"My name is Clora Foreman. My age is 52 years and my Post Office is Vinita, Indian Territory. I am duly and lawfully enrolled upon the 1880 roll and have received my allotment of land in the Cherokee Nation, Indian Territory. About the close of the Civil War I became acquainted with a woman by the name of Lucy Scott at Fort Gibson, Indian Territory. This Lucy Scott married a man by the name of Prince Albert and during her married life was known as Lucy Albert. At the close of the Civil War she was living with the Crapoe's near Fort Gibson and I know that she continued to live in the Cherokee Nation continuously from 1865 until her death. I know that James Scott and Mary Sanders have lived all of their lives in the Cherokee Nation, Indian Territory and never at any time lived outside of said Nation and that their Mother, Lucy Albert, lived in the Cherokee Nation to my certain knowledge continuously from the year of 1865."

her
CLORE x FOREMAN.
mark

Witnesses to mark:

LAURA G. VALENTINE.

T. J. FARRAR &

Subscribed and sworn to before me this 6th day of July, 1906.

THOMAS J. FARRAR
UNITED STATES COMMISSIONER, SECOND COMMISSIONER'S DISTRICT, OF THE NORTHERN DISTRICT OF THE INDIAN TERRITORY.

My commission expires _____

DEPARTMENT OF THE INTERIOR,

Commissioner to the Five Civilized Tribes.

In the matter of the application for the enrollment of Mary Sanders (F R 38) and James Scott et al (F D 157.) as Cherokee Freedmen.

Amended Motion for Rehearing.

Comes Now the Applicants and move the Honorable Secretary of the Interior to grant them a rehearing in the matter of their application for enrollment as Cherokee Freedmen, and to remand this case to the Honorable Commissioner to the Five Civilized Tribes in order that they be afforded an opportunity to introduce testimony to prove that Lucy Albert, the mother of the applicants, who it is conceded was the slave of a Cherokee Citizen at the commencement of the war of the rebellion, returned to said Nation and established her residence therein in good faith after said war prior to February 11, 1867.

For the purpose of showing the good faith of applicants in making this motion there is hereto attached affidavits of two of applicants witnesses taken before the Honorable T. J. Farrar, United States Commissioner for the Second Commissioner's District of the Northern District of the Indian Territory.

Applicants also have a number of other witnesses by whom they expect to prove that the said Lucy Albert returned to and established her residence in good faith in the Cherokee Nation after the close of the War of the Rebellion and prior to February 11, 1867, but we deem the two affidavits attached sufficient for the purposes of this motion but if others should be required we will produce them if given an opportunity

In view of the fact that the Attorney for the Cherokee Nation took occasion to raise technical objections in some of our cases heretofore filed on the question of one of the Attorneys for applicants signing as a witness to a mark where the party making an affidavit signs by mark we have caused our affidavits to be re-written and had the witnesses subscribe and swear to the affidavits in the presence of disinterested witnesses, before Honorable T. J. Farrar, United States Com-

missioner for the Second Commissioner's District of the Northern District of the Indian Territory.

Respectfully,
Starr & Patten,

Attorneys for Applicants.

United States of America,
Indian Territory
Northern District SS

Guy Patten of lawful age being duly sworn on his oath deposes and says that he is one of the Attorneys for applicants in this case; that this motion is made in good faith, not for the purposes of delay but in order that justice might be done.

Guy Patten

Subscribed and sworn to before me this 9th day of July 1906.

Copy ~~[illegible]~~, J. F. Parks

Notary Public.

my Com. Ex.
Oct 3, 1908

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Sanders and James Scott, et al., as Cherokee Freedmen.

M O T I O N.

Comes now the applicants and move that the attached affidavit of one of the principal applicants, Mary Sanders, be transmitted to the Honorable Secretary of the Interior to accompany the Motion and the Amended Motion for rehearing heretofore filed in this case.

The original Motion contains an affidavit of one of the Attorneys for applicants to which the Attorney for the Cherokee Nation has taken objections. In view of the Decision of the Honorable Secretary of the Interior in Departmental letter dated March 24, 1906, (I.T.D. 2758-1905; 6206-1903) it appears that the Department requires an affidavit of the principal applimant instead of an affidavit of one of the attorneys for applicants and that the affidavit of the principal applicant should explain the failure to produce the parties to the affidavits at the original hearing, or showing that ~~they~~ with due diligence the evidence could not have been discovered prior to the hearing and to show that the Motion is not made for the purposes of delay.

In view of the holding of the Department in its letter of March 24, 1906 to the Honorable Commissioner to the Five Civilized Tribes hereinbefore referred to, we believe that the affidavit of one of the Attorneys to the original Motion for rehearing was entirely un-necessary; that the Motion was valid even if it had no affidavit at all attached to it; and we move that the affidavit of the principal applicant, Mary Sanders, be attached to said Motion for rehearing and said Amended Motion for rehearing and that the same be considered as a part of said Motion and Amended Motion for rehearing.

Starr & Patten

ATTORNEYS FOR APPLICANTS.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY { ss.
NORTHERN DISTRICT }

On this 11 day of July, A. D.,1906, personally appeared before me, the undersigned Notary Public within and for the District and Territory above mentioned, Mary Sanders, who being by me duly sworn, according to law, on her oath deposes and says:

"My name is Mary Sanders. My age is 40 years and my Post Office is Vardigri n, Indian Territory. I am the principal applicant in the Cherokee Freedmen enrollment case of Mary Sanders, et al., and this Supplemental Motion for rehearing is not made for the purposes of delay but in good faith in order that justice be done me. The reason that I did not produce the testimony of the witnesses whose affidavits were taken beforeJudge Parker and attached to said Motion, is that I did not know about said witnesses until after the trial of this cause. Being a poor woman and without means I made all the effort that it was possible for me to make to properly present my case before the Commission to the Five Civilized Tribes, and after using all the diligence that was possible for a woman in my circumstances, I, at that time, failed to produce the testimony at the former hearing, but having since that time found witnesses who wi ll testify that my Mother returned to the Cherokee nation and established her residence therein prior to February 11, 1867 and continued to reside in said Nation until her death, among the wi tnesses I have found are those whose affidavits are attached to said supplemental Motion for rehearing. I earnestly pray that my Motion be granted and that I be permitted to introduce my Testimony."

DENNIE VANN)WITNESSES TO MARK.
JOHN SANDERS)

MARY her X mark SANDERS

Subscribed and sworn to before me this 11 day of July, 1906.

J. V. ADKISON
NOTARY PUBLIC.

(SEAL)

My commission expires May 11,1910.

Cherokee Freedmen R 38
Cherokee Freedmen R 522 (D157)

Copy.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 12, 1906.

Proceedings had in the matter of the application for the enrollment of Mary Sanders, F. R. 38, and James Scott, et al., F. R. 522 (D 157), as Cherokee freedmen.

J. C. Starr, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A J. C. Starr.
Q Your age? A 36 years.
Q Your post office? A Vinita, Indian Territory.
Q Are you a regular practicing attorney in the Northern District of Indian Territory? A Yes sir.
Q Are you also admitted to practice before this office? A Yes sir.
Q Are you a member of the law firm of Starr & Patten? A I am.
Q A motion has been filed with this office by the Attorney for the Cherokee Nation for a rule on you and your partner, Mr. Patten, in connection with certain Cherokee freedmen cases in which it is alleged that certain affidavits were signed by you on June 25, 1906, at Vinita, Indian Territory, before Jessie Patten a Notary Public, and it is requested that you and your partner appear before this office to show your whereabouts on June 25, 1906, and also whether or not Jessie Patten is a Notary Public for the Northern District of Indian Territory, a copy of this motion is shown to have been served on Mr. Patten, and the records of this office show that the motion was granted by the Commissioner in a letter addressed to you under date of July 9, 1906, but which letter it appears was not mailed until July 11, 1906, and requested that each of you appear before this office on this day. Are you willing to state as to your whereabouts on June 25, 1906, and whether or not Jessie patten is a Notary public for the Northern District of Indian Territory? A I am.
Q Where were you on that date? A I was in Vinita, Indian Territory.
Q Were the affidavits referred to in the motion of the attorney for the Cherokee Nation signed by you at Vinita? A Yes sir.
Q Is Jessie Patten an Notary public for the Northern District of Indian Territory? A She is not, she is a Notary public for the Western Di strict of Indian Territory.
Q Were the affidavits signed by you in the Northern Di strict of Indian Territory? A Yes sir.
Q Is there any statement that you desire to make in connection with the matter? A The only statement we desire to make is in writing.
Q Do you desire time in which to make a written statement in regard to the facts? A Yes sir.
Q How much time do you desire? A A week or ten days.

BY MR. HASTINGS.

Q Is Miss Jessie Patten a stenographer in your office? A She is temporarily.
Q How long has she been there? A She has worked two months.
Q Is she here in Muskogee to-day? A Yes sir.
Q How long has it been since she has been out of the town of Vinita previous to today? A She was in Muskogee during the Hardrick trial, I don't remember the exact date, she was here part of the time during that trial.
Q Did you swear to any of these motions at that time before her here in Muskogee, and if so which one? A It seems to me like I swore to some of them here, but I don't remember which ones.
Q Did you swear to any of them on June 25 here? A No sir.

Q They were all signed at Vinita up there that day? A Yes sir.
Q There is an affidavit attached to a motion to reopen in the matter of the enrollment of Mary Sanders, F. R. 38 and James Scott, et al., F. D. 157, alleged to have been signed by Chlora Foreman and Eliza Tucker, made before Jessie Patten on June 13, 1906, and witnessed by J. C. Starr, are you the same J. C. Starr? A Yes sir.
Q Where were these affidavits taken? A In Vinita.
Q Northern District, Indian Territory? A Yes sir. They have since been retaken before Thomas J. Farrar, U. S. Commissioner, and new affidavits have been filed in support of an amended motion for a rehearing in that case.
Q Well then all cases alleged to have been sworn by you, all citizenship, all motions and citizenship cases for a rehearing alleged to have been sworn to by you before Jessie Patten as a Notary Public on June 25, 1906, were signed before ~~miss~~ said Jessie Patten at Vinita, Northern District, Indian Territory? A Yes sir, and that the said Jessie Patten was a Notary public for the Western District of the Indian Territory.
Q She was not a Notary Public within and for the Northern District?
A No sir.
Q Can you mention any single case of any motion for a rehearing or reopening in any citizenship case that you have ever signed before Jessie Patten as a Notary Public when she was in the western District? A I don't remember the particular case but there are quit e a number of them.
Q Don't remember any single one of them? A I can t ake our records that is the reason I ask for a little time, because we can show them by referring to our records.
Q When was the last time you were in the Western District before June 25, 1906? A I would not say that, I wasn't in the Western District on that day.
Q Don't you know where you were on that particular day, which was on Monday and was the last day for the filing of these motions?
A I know I was in Vinita part of the day, but I am not sure I was there all the day.
Q But you know these motions of your were filed so as to leave on the morning of that day, namely on the Flyer so as to reach here upon that day, you don't claim to have been out of Vinita, Indian Territory, prior to the filing of these motions on that date? A No sir. I said once those motions were all signed in Vinita.
Q How long had it been before that since you had been out of Vinita?
A It is impossible for me to say because I have been in and out several times each week.
Q How long had it been since Miss Jessie had been out of Vinita?
A I think it was on the 21st or 22nd or 23rd, it was just a few days before.

GUY PATTEN, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Guy Patten.
Q Your age? A 23.
Q Your postoffice? A Vinita, Indian Territory.
Q Are you a regular practicing Attorney in the Northern District, Indian Territory? A Yes sir.
Q You are also admitted to practice before this office? A Yes sir.
Q Are you a member of the law firm of Starr & Patten? A Yes sir.
Q Have you heard Mr. Starr's statements in connection with his whereabouts on June 25, 1906? A Yes sir.
Q And also as to whether or not Jessie Patten is a Notary Public in the Northern District, Indian Territory? A Yes sir, that is I have heard his statements.
Q Is there any statement you desire to make in connection with the matters under consideration? A None other than that is as regards these dates, right now I couldn't answer as to my whereabouts ~~during~~

or Mr. Starrs, or Jessie Patten on June 13, I believe. I don't remember that just at present. As to my whereabouts on June 25, I had not intended to come to Muskogee that day and started to go to Coody's Bluff and got rained out, and Mr. Starr and Jessie Patten had intended to attend to filing these motions and everything. They were both coming down here, but I got rained out before I got very far from town and I got back in time to catch the Fast Mail down here, and the affidavits to those motions for new trial at that time, under my best recollection had not been signed up or acknowledged then. Something came up that rendered it impossible for Mr. Starr to come, what that was I can't remember, but I remember there was something came up, and the affidavits being all ready written out, he signed them and just said to the girl to swear him and she did it and I brought them down here and filed them and served copies on Mr. Hastings. As to Miss Jessie Patten's residence, she has been in Vinita with me, I am her brother, about two months or two and a half months, I don't know just when she did come. She is not a resident there. I was up there by myself and a single man and she was at home in the Western District and I wrote her a letter and asked her to stay two or three months and she did it. The first six weeks she was there she helped Mr. Starr and I in the office quite a good deal and after she had been there we thought we could use her. We commenced to pay her a salary and told her we might keep her a month or two until we got through the rush of the work. She has been down to Muskogee I think every time we have come. She was not in Muskogee on the 25th to the best of my recollection.

Q She is not a Notary public in the Northern District? A No sir.
Q She is commissioned in the Western District? A Yes sir.

BY MR. HASTINGS:

Q She has never been a Notary in the Northern District? A No sir.
Q About what time did you start to Coody's Bluff on the morning of June 25? A About 5:30 in the morning.
Q About what time did you return? A I returned twice, just got about two miles from town and couldn't get across the creeks so I came back and stayed until about seven o'clock and started again, and I got about 10 miles it might have been ~~xxxx~~ not over 6 or 7.
Q Then what time did you return? A I drove about 7 or 10 miles and I got out there on the prarie and I got into a hard rain storm, about the hardest I ever saw, and it raised the creeks so I figured I couldn't get across them and I turned around and drove right back, drove pretty fast, and I got back to Vinita somewhere between 10 and 11 o'clock. I know it wasn't but a short while before that Fast Mail come.
Q The Flyer had gone south? A In my best judgment it had.
Q Don't you know that Mr. Starr had mailed a great many of these motions at 9:30 A. M. in the post office at Vinita on June 25, 1906? A I don't know whether he had or not. I know when I made reference to some motions not being signed up or acknowledged when I left I refer to the motions which I filed personally myself and served upon you on the 25th of June.
Q Then you don't refer to a great number that he served by registering from Vinita upon that self same day? A I don't undertake to know just when those were acknowledged because I was not present in the office. I don't suppose I was in the office over a half hour all together that morning.
Q All that you are testifying about are those where service was shown to have been accepted on June 25, 1906? A That was the bunch of them I had reference to.
Q The rest had been previously mailed? A I don't know whether they had or not. I take your statement that they had but to actually know it I don't, because I hadn't been in the office and saw what was going on.

JESSIE PATEEN, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name please? A Jessie Patten.
Q Your post office? A Well when I am in Vinit a it is Vinit a, when I am at home it is Boynton.
Q Where would mail catch you now, temporarily at Vinita? A Yes sir.
Q How long have you been at Vinita? A Off and on about two months,
Q Are you a Notary public? A I am in the Western District.
Q Appointed at Wagoner? A Yes sir, I was appointed at Wagoner.
Q Have you ever been appointed Notary Public in the Northern District of the Indian Territory? A No sir.
Q Where were you on June 13, 1906, when an affidavit was taken before you of Eliza Tucker and Chlora Foreman to be filed in a motion to be reopened in the case of Mary Sanders and James Scott? A The best I remember I was in Vinita.
Q You keep any Notary record? A I do.
Q Have you that with you? A Yes sir.
Q Will your Notary record show? A Yes sir.
Q Lets have it then please? A (Witness hands record to Mr. Hastings
Q What does that intend to show, what does that represent this "aff." affidavit or office? A Affidavit.
Q Where was that affidavit taken? A In Mr. Starr's office.
Q Was the affidavit of Chlora Foreman also taken there? A It was.
Q Where was the affidavit of Mr. Starr to the motion taken? A In that case it was there to, the same date.
Q Taking your record for the month of June, 1906, does it show that Mr. Starr was sworn to any motion for a reopening or motion for rehearing or motion for readjudication in any citizenship case outside of the town of Vinita, Northern District, in the Indian Territory? A Yes sir.
Q In what case? A Well I don't know.
Q Well do your records show it? A My records do not show where any of my affidavits were taken only they were in the Western District.
Q But you were not in fact in the Western District? A Well if I was in Vinita I wasn't in the Western District.
Q Now do your records show where you were when these alleged affidavits were taken? A My records do not show where I was.
Q Do you recall of your own independent recollection where you took the affidavit of J. C. Starr to any motion for a reopening or rehearing or readjudication in any citizenship case outside of the Northern District and within the limits of the Western District? A On June 23 of one I remember that well.
Q What case? A It was the Frank Musgrove and Peter Hudson cases.
Q Where was the Frank Musgrove motion sworn to at? A Mr. Starr was in Muskogee on the Hardrick case at that time.
Q Well was there any other cases now that you took his affidavit to the Motion of except the Frank Musgrove? A The other one I mentioned on the same day, they were both taken on the same day, Peter Hudson case. Now as to these others, but I don't remember.
Q Well what day did you leave Muskogee, what day of the week did you leave Muskogee when you were down here during the hearing of what was known as the Hardrick case. The hearing began on Thursday you will remember. Do you remember what day of the week you went home? A Saturday I suppose.
Q On what train Saturday? A I went home on the evening train.
Q Well now did you take affidavit of Mr. Starr in the western District in any other cases other than the Peter Hudson case and the Frank Musgrove case? A Well I will tell you, I have been to Muskogee off and on a great many times with Mr. Starr when he came here on business and he often managed it he had his affidavits taken here and as far as dates I don't remember, I didn't try to remember and don't just remember the different cases at all.
Q Well where were you on June 25, 1906? A I was in Vinita.
Q Did you take some affidavits of Mr. Starr to motions upon that date?
A I did.

Q Where were they taken? A They were taken in the office. Taken under these circumstances, Mr. Starr and I had intended coming down that day to file the motions and he had quite a number of them, but something turned up and he did n't come.
Q Why was your presence along with him necessary? A Well it wasn't necessary only I as his stenographer did other work for him outside of this work.
Q What other work were you to do on that trip? A I don't know of any particular work, he never told me what he brought me for until he got me here and gave me work to do.
Q Don't you know that a great many of these cases were sworn to before you and mailed up there long before it was ascertained that you were not coming? A On that particular day you mean?
Q Yes on that particular date? A No sir, I didn't.
Q You don't mean to say that you didn't swear him to motions frequently up there in Vinita on other days besides June 25, 1906? A There were several times that he prepared motions and they not being as he thought and as I thought of very material importance, those little jurats he added to the motion, he would often just ask me to sign them to strengthn the motions.
Q Well you took the affidavits of Chlora Foreman and Eliza Tucker, didn't you? A Yes sir, I did.
Q They were separate and independent affidavits, didn't you? A I did.
Q They were taken in Vinita, Northern District, Indian Territory, were they not? A They were.
Q Now then without going into detail in these cases I will ask you if you remember any case other than the Frank Musgrove case and the Peter Hudson case where you took the affidavit of Mr. Starr outside of the Northern District?

Mr. Patten: We object to a further examination upon this matter for reason that we were not notified of anything further than what was stated by the Commissioner at the outset of this hearing.
On behalf of the Commissioner: The testimony of Miss Patten is taken in connection with this proceeding by agreement by the Attorneys concerned, and the objection will be noted.

Q I don't remember any others definitely.
Q I will ask if you are the same person who took the affidavit of C. D. Kinney, Columbus McNair and Eliza Tucker in the case of Andrew T. Watie on June 5? A If I took them?
A Yes? A I think I did.
Q Where? A My Notary record shows that I took the affidavit of C. D. Kinney, Columbus McNair and Eliza Tucker on the 5th day of June.
Q Where? A I don't remember. I don't remember them. I don't remember these affidavits definitely and I don't remember where I was on that ~~it~~ date and I could not say positively where they were taken.
Q And your Notary record doesn't show? A It does not show.
Q Does your Notary record show whether or not this motion was sworn to in that same case by J. C. Starr before you upon that date?
A My record does not show it.
Q By reference to my copy served upon me the motion for rehearing appears to have been sworn to before you by J. C. Starr on the 5th day of June, 1906? A In the Andrew T. Watie case?
Q In the Andrew T. Watie case? A Perhaps it was and the record omitted or lost.
Q Your record doesn't show it? A My record doesn't show it.
Q Does your record show that you also swore J. C. Starr to the motion in the Delilah Rowe case on June 16, 1906? A Yes sir.
Q Where? A Well as I stated before it was another case you speak of on the same date, I don't remember where these affidavits were taken all of them? I didn't try to remember.
Q Your records do not show where? A No sir.
Q Was there an affidavit of Eddie Rowe taken in connection with that upon the same day or upon June 20, 1906? A My record doesn't show it.

Q By reference to the copy served upon me as Attorney for the Cherokee Nation there is an affidavit attached alleged to have been taken before you on the 20th day of June, 1906, of Eddie Rowe, you say your records do not show it? A It does not.
Q Do you know where it was taken if it was taken? A No sir, I don't remember that affidavit at all.
Q When you came down here in that Hardrick case which began on the 21st of June, what time did you come down, or that morning or the evening before? A On the morning train I think.
Q Then where were you on the 20th the day before? A I suppose I was in Vinita.
Q Does your Notary record show the swearing of J. C. Starr to a motion in the Alfred Bell case on June 25, 1906? A No sir.
Q Doesn't show it? A No sir.
Q You acknowledge that all of the affidavits made to all motions on June 25, 1906, by J. C. Starr before you were made in Vinita, Northern District, Indian Territory? A Yes si r.
Q Were you outside of Vinita on that particular day, namely June 25, 1906? A Not that I remember.
Q You can positively identify that date anywhere, namely June 25, 1906, you knew they were anxious to have motions filed on that date? A Yes sir.
Q You were in Vinita all that day? A I was.
Q Refer to your Notary record of June 16, 1906, and see if it shows that you took the affidavit of J. C. Starr to a motion in the Elias Downing case? A I have.
Q Where was that taken? A As I stated before on this same date, I don't remember.
Q How about the affidavit of Elias Downing himself on June 9, 1906?
A Well I don't remember that affidavit either. It is here, I have the record.
Q You don't mean it was here in Muskogee, it is on your record? A I have it on my record.
Q Do you know where the affidavit was taken? A I don't remember.
Q June 9 by reference to the calender appears to have been on Saturday?
A I don't remember the Elias Downing nor this affidavit when it was taken
Q You have never been appointed a Notary public for the Northern District of the Indian Territory? A No sir.
Q When was the notes made from which you have read in answer to the inquiries I have propounded? A As I taken the affidavits.
Q Now you don't remember but a few particular cases where the affidavits were taken by J. C. Starr in the Western District and those were in the cases of Frank Musgrove and Peter Hudson? A Well the only way I remember them was he being down here in Muskogee then. I would not say that there has not been other affidavits taken in the Western District. I don't remember the exact date.
Q Do you remember of any other made by J. C. Starr? A That is what I mean.
Q I mean affidavits made by J. C. Starr in person, do you remember of his ever having made an affidavit before you in any other case except two you have mentioned? A Yes sir.
Q Name one of them? A It was along in May.
Q Can you remember the cases? Will your records show it ? A Sam Landrum case, the Jennie Marcum case, the Emma Purtle case, the Katie Ridge case.
Q Why do you know they were taken here when your record doesn't show it?
A Because that was at the time the Mayfield case was tried here. When I was down here working with them.
Q Your record doesn't show where you were at? A My record doesn't show that the affidavit was taken in Muskogee but it was.
Q When all of these motions and affidavits were taken in these citizenship cases, those that you have mentioned of being taken, were taken at the instance and for the firm of Starr & Patten? A Yes sir.

BY MR. PATTEN:

Q You may examine your Notary record and see if you remember where the affidavits were taken at what place which your Notary record show were taken by you on May 23 and 24 I mean? A The affidavits ~~xxxxxxxxxx~~ of J. M. Johnson, there are 5 of them, two of Hiram Spriggs, those were taken on the 24th in Muskogee.

Q That is May 24? A May 24.

Q Examine your record and see if you can tell at what place the affidavits taken on May 25? A They were taken in Muskogee, the affidavits of J. C. Starr, 6 of them, Tobe Bean, 7 of them, Simon Lynch, 4 of them, Nelson Moore, 5 of them, Thomas H. Moore, 5 of them, and Arthur Bean, 4 of them.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Geo. H. Lessley.

Subscribed and sworn to before me this 13th day of July, 1906.

(Signed) Chas E. Webster,
Notary Public.

(Seal)

Western
Dist.
Ind. Ter.

Personally appeared before me
Wm. D. McBride a Notary Public
for said Dist. on the date herein
after written Wm Davis who
after being sworn makes the
following statement. My
name is William Davis my
age is 57 years, My Post
Office is Fort Gibson I.T.
I am an intermarried Colored
Citizen of the Cherokee
Nation. I have resided in
the Town of Fort Gibson since
the month of July 1867. I was
well acquainted with a
Colored Man whose name
was Prince Albert. I also knew
his wife Lucy and his two
Children James and Mary
some time during the year
Prince Albert came to my
House in Fort Gibson. inquiring
for James. About a month
or so afterwards he returned
to my House in a wagon with
Lucy and Mary. From the
Conversation I had with them
I understood that they had just

Western
Dist-
Ind. Ter

Personally appeared before
me W. D. McBride a Notary Public
for said Dist- duly commissioned
and acting as such in and
for said Dist- on the day and
date herein after written
Henry C. Meigs who after being
sworn makes the following
statement- My name is Henry
C Meigs- my age is 65 years.
My P.O. address is Fort Gibson
I.T. I am a citizen of the Cherokee
nation by blood- I came to Fort
Gibson to reside in the month
of November in 1866 and have
resided here continuously since
that time- during the latter
part of the seventies I became
acquainted with a Colored man
whose name was Prince
Albert and his wife Lucy
and her son James- I had
never seen them before in
the town of Fort Gibson

Henry C. Meigs

Comm. Exp.
4" July 1906

Subscribed and sworn to
before me this 31st day of July
1906-

W. D. McBride
Notary Public

Western
Dist
Ind. Ter.

Personally appeared before
me Wm. D. McBride a Notary
Public duly commissioned
and acting as such in and
for the Dist aforesaid
Thomas Walker who after
being sworn makes the following
statement- My age is 52 years
my Post Office address is
Fort Gibson Ind. Ter.
I am a Cherokee Freedman and
upon the 1880 Roll-a recognized
Citizen of the Cherokee Nation
I have lived in the Town of
Fort Gibson and vicinity
thereof for the priod of 42 years
I was personally acquainted
with a Colored man named
Prince Albert and his wife
Lucy and their two Children
Mary and James-the first
time I ever saw the above
named people in the Town of
Fort Gibson was in the Spring
of 1879. Prince Albert informed
me at that time that he had
just come to the Cherokee Nation

James and Mary
do not remember the year
they came to Fort Gibson
but do know that they
were not here until after
I returned from the
country-

Witness

Fannie Chase
James M. Keys

her
Julia X Chase
mark

Subscribed and sworn
to before me this 30th day
of July 1906-

W. D. McBride
Notary Public

Comm. Ex.
6th July 1908

Western
Dist.
Ind Ter

Personally appeared before
me W. D. McBride a Notary
Public for the said Dist.
on the day and date hereafter
written John Chase who being
first sworn makes the
following statement
my name is John Chase
my age is 60 years - my P.O.
address is Fort Gibson I.T.
I came to the Cherokee
Nation in the year 1868
Came to Fort Gibson I.T.
and have resided at Ft.
Gibson and in the vicinity
continuously since that
time - I lived in Fort Gibson
during the latter part of
the year 1863, the year 1864 - 1865
and 1866 also until the
December 1867 - when I went
to the Country and resided
there about two years - After
I moved back to Fort Gibson
with my Family I became
acquainted with a Colored
Woman by the name of
Prince Albert now his wife
Lucy and her children

at Fort. Gibson, during the
Time I lived There. or anywhere
in the Cherokee. Nation. until
the Time herein before Stated
the year 1880. In Witness Whereof
I Hereto Sign my Name

Attest:

H. M. Vance.

E. B. Miller

Lewis his X mark Sanders

Subscribed and sworn to before me this July 31, 1906.

Edward B. Miller
Notary Public.

My commission expires January 8, 1910.

Western. District
Indian. Territory.

Personally appeared before Me. E. B. Miller. a Notary. Public in and for said district. duly Commissioned and acting as Such. On the day and date Herein after Writen. Lewis, Sanders, Who being Sworn. Makes the following Statement.

My Name is Lewis, Sanders, my age is 46 years. Post office address. Melvin, I.T. I am a Cherokee Freedman. On the approved roll of the Cherokee. Nation. I returned To Fort. Gibson. I.T. from Kansas. With my Parents. during the year 1866 and resided There Continuously for Several years. When we moved To Fourteen Mile Creek near Melvin I.T. about the year 1880. I became acquainted with a Colored Man at Fort. Gibson. I.T. Name Prince. Albert. and his Wife Lucy. and Children. James Ed Mary. This was after I had moved To. Fourteen mile Creek. I never saw them

Copy

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Sanders (F.R. 38) and James Scott, et al., (F.D. 157) as Cherokee Freedmen.

B R I E F.

In view of the fact that the Attorneys for the Cherokee Nation took occasion to raise technical objections to our original Motion for a rehearing in the above entitled cause on the question of one of the Attorneys for applicants signing as a witness to the mark where the party making the affidavit signs by mark and because the affidavit in support of said Motion was acknowledged in the Northern District of the Indian Territory before Miss Jessie Patten, a Notary Public for the Western District of the Indian Territory, we have subsequently filed an amended Motion for rehearing in this case and have caused our affidavits to be re-written and sworn to before the Honorable T. J. Farrar, United States Commissioner for the Second Commissioners District of the Northern District of the Indian Territory.

While we had no objections to meeting the technicalities objections of the Attorney for the Cherokee Nation touching the validity of affidavits made before a Notary Public of the Western District of the Indian Territory and acting in the Northern District of the Indian Territory, yet, in order that we be not understood as conceding that said affidavits were void because the Notary Public who took them was without the District of her appointment, we respectfully submit that our contention is and has always been that the original affidavit in support of said motion for a new trial and the affidavits of Eliza Tucker and of Chlora Foreman in support of said Motion and which were acknowledged before Jessie Patten in Vinita, Northern District, Indian Territory while being a Notary Public for the Western District, were under the laws in force in the Indian Territory valid. In support of our contentions we respectfully submit that, under the laws in force in the Indian Territory, the power and authority of a Notary Public to administer oaths is co-extensive with the State, that is, with the

Indian Territory. In this case there is no question, nor is it controverted that Miss Jessie Patten was a duly appointed Notary Public having been appointed by the United States Court in the Western District of the Indian Territory and that she was at that time and always has been a resident of the Western District of the Indian Territory, the District of her appointment, since said appointment; that the affidavits in question in this case were taken by her without the Western Districtwe admit. These points being conceded, the only question before us is as to whether or no said affidavits were void. The Office of Notaries public is of great antiquity,deriving its origin from the early Roman Jurisprudence, and has for many centuries been recognized by most if not all of the Christian Nations. This Office is known to International Law, to the Common Law being concerned more especially with the Law-merchant branch, and to the Civil Law. A notary public is generally defined as"an officer whose functions it is to attest and certify, by his hand and official seal, various instruments in order to give to them authenticity in ~~their~~ other jurisdictions, and is usually an officer appointed by the executive or other appointing power under the laws of the State". Bouv. Law Dictionary, Title: "Notary", page 514. In England this office existed before the Conquest (1066) and under the Common Law was always recognized as a public office, and being such, ~~their~~ grey presumption is indulged in by the Common Law in the absence of Statutes, of a broad jurisdiction. In most of the States Notaries Public are appointed by the Governor alone; in others by the Governor, by and with the advise of his Counsel; in others by and with the advise and consent of the Senate. In most all of the States of the United States the office of Notaries Public is recognized as a public office. See Bettmm v. Warwick, 108 Fed. Rep. 46; Britton v. Niccolls, 104 U. S. 757. In Alabama this office is recognized as a public office. See Governor v. Gordon, 15 Ala., page 72; See Smith v. Meador, 74 Ga. 416; Teutonia Loan etc. Co. v. Turrell, 19 Ind. Appeal, Ind. Att. 469; Spegal v. Krag-Raynolds Co., 21 Ind. Appeal, 205. This Office is also recognized as a public office in Iowa, Louisianna, Massachusetts, Missouri, Nebraska, New York,, Nevada, Pennsylvania, Tennessee, Canada and many other states. See American and English Encyclopedia of Law,

Second Edition, Vol. 21, page 555.

In the United States reference must be had to the Constitutional and Statutory Provisions of the various States to determine by whom and in what manner the appointment of a Notary Public is made. By reference to Section 4764 of Mansfield's Digest of the Laws of Arkansas, Chapter 82, we find the following Provision:- "The Governor may appoint a convenient number of Notaries Public for each County, who shall be citizens of the County for which they are appointed,and who shall file in the office of the Recorder of Deeds for the County a Bond to the State,for the faithful discharge of their duties,in the sum of $1000.00 with security, to be approved by the Clerk of the Circuit Court of the County, and who shall hold office for the term of four years". Section 4765 of Mans. Dig. of this same chapter provides that "Each Notary Public shall have power to ~~[illegible]~~ administer oaths in all matters incident to ~~[illegible]~~ and belonging to the exercise of his Notarial Office". His power is further extended by Section 4766 of this same chapter wherein he is empowered in the language of the Statute "to take the proof or acknowledgement of all instruments of writing relating to commerce and navigation, receive and authenticate acknowledgments of deeds, letters of attorney, and other instruments of writing, make declarations and protests, and certify under his official seal the truth of all matters and things done by virtue of his office."

Other than the foregoing there is nothing in the statutes of Arkansas which tends to broaden or limit the powers of Notaries Public nor is there any provision in said Statutes which limits their authority to administer oaths to the county of their appointment. It will be noticed by reference to the above noted Sections of the Statutes that the power of appointment of Notaries public rests with the Governor of the State. Under the Act of Congress, entitled "An Act to provide and temporary Government for the Territory of Oklahoma and to enlarge the jurisdiction of the United States Courts in the Indian Territory, and for other purposes", approved May 2, 1890 (U.S. Stat. at Large, Vol. 26, Ch. 182, page 81), Section 31 of said Act provides ~~[illegible]~~ that certain general laws of the State of Arkansas in force at the close of the General Assembly of that State in 1883 as

published in 1884 in Mansfield's Digest of the Statutes of Arkansas shall be put in force in the Indian Territory. Among these Sections enumerated is the Chapter relating to Notaries Public and it is further provided in said Act that "Said Court in the Indian Territory shall appoint Notaries Public under this chapter". By reference to the Act of March 1, 1889, entitled "An Act establishing a United States Court in the Indian Territory", U. S. Stat. at Large, Vol. 25, Chapter 333, Page 783. And by reference to all of the Acts of Congress relative to the United States Court in the Indian Territory, it will be seen that in contemplation of law there is none but one United States Court in the Indian Territory, and that the Acts passed subsequent to the Act of 1889 which established the original Court in the Indian Territory were only operated to enlarge the jurisdiction of that Court and to provide for additional Judges. By reference to the aforesaid Act of 1890 it will be seen that the United States Court in the Indian Territory exercizes the same power in the appointments of Notaries Public as does the Governor of Arkansas.

The question then before us is as to whether or not a Notary Public appointed by the Governor of Arkansas or by the United States Court in the Indian Territory has authority to administer oaths only within the County or District for which he is appointed or whether his jurisdiction is co-extensive with the State. We have been unable to find any Decisions of the Supreme Court of Arkansas touching upon the question in issue directly and are left largely to the comparison of similar Statutes in other States and to the construction of their Courts upon them. In our statutes defining the power of Notaries Public to administer oaths and take depositions t will be seen that there is no limitation placed upon them confining them to act within their County, but simply the broad Provision, to-wit:- "Each Notary Public shall have power to administer oaths in all matters incident to or belonging to the exercise of his notarial office."

In a great number of States under a similar Provisi on and in many identically the same, it is held that the jurisdiction of a Notary Public to administer oaths is co-extensive with the State.

See: Guertin v. Mombleau, 144 Ill.32; Sullivan v. Hall, 86 Mich. 7; Davey v. Ruffell, 162, pa.,S . 445, affirming 14 pa. Co. Ct.273; Maxwell v. Hartmann, 50 Wis. 660. See also Gen. Stat. Conn. (1888), §288; Horner's Annot. Stat. Ind. (1896),§ 5962; Pub. Gen. Laws Md. (1888), art. 68, §8; Stat. Minn. (1894) §2271; Rev. Codes N. Dak. (1895) §462; Hills Annot. Laws Oregon (1892), §2317; Civ. Stat. S. Car. (1893) §578; Stat. Vt. (1894),§2963; Ball. Annot. Codes & Stat. Wash. (1897) §§246, 248.

An examination of the reports of the States which hold that a Notary's jurisdiction to adminsiter oaths is confined to the County of their appointment will show that thase either one of two conditions existed, that is, that the Statutes of that State expressly limited their jurisdiction to the County of their appointment or that such States are those which were originally a part of the Louisianna Purchase and in which the Common Law of England is not presumed to exist in the absence of the Statuatory Provisions expressly excepting it. In the case of Barhyet v. Alexander, 59 Mo. Appeal, 188 and also in the case of Silver v. Kansas City Railroad Co., 21 Mo. Appeal 5, in a somewhat similar statute defining the authority of a Notary Public to administer oaths, it was held that their jurisdiction was confined to the County of their appointment , but this was so held for the reason tha Missouri was originally a part of the Louisianna Purchase and that the Common Law presumption that the Notary's jurisdiction is co-extensive with the State,in the absence of the statute limiting it to the County, was not to be indulged in that State. This same Decision was taken in Iowa for the same reason. In Illinois , under a statute similar to the one in force in Arkansas and which has been adopted in the Indian Territory, it is held that a Notary Public's jurisdiction to administer oaths is co-extensive with the State and that although a Notary Public must be appointed and have his residence in a particular County, yet he is competent to administer oaths and take affidavits and depositions any where in the State. It wi ll be remembered that the State of Illinois was originally a part of the Louisiana Purchase as was also the State of Arkansas, but in Illinois by expres

Statuatory Provisions the Common Law of England is to be in force on all questions in the absence of Statutes to the contrary. In this connection we would call attention to Chapter 20 of Mansfield's Digest Sections 566 and 567 in which it is provided "that the Common Law of England so far as the same is applicable ~~in~~ and of a general nature, andall Statutes of the Briti sh Parliament in aid ~~in~~ of or to supply the defects of the Common Law made prior to the Fourth Year of James the First (that are applicable to our own ~~form~~ of Government) of a general nature and not ~~liable~~ local to that Kingdom, and notinconsistent with the Constitution and the Laws of the United Statesin or the Constitution and laws of this state shall be the rule of Decision in this State unless altered or repealed by the General Assembly of this State" This Section of the Laws of Arkansas was put in force in the Indian Territory by the Act of May 2, 1890 above referred to.

So far then as the power and authority of a Notary Public of administering oaths and taking depositions in the Indian Territory is defined by Law there seems to be no question but that the status of it succinctly stated is this:- 'they have been given power to administer oaths in all matters incident to or belonging to the exercise of their notarial office without any restrictions being placed upon them confining their acts in this regard to the county of their appointment; that they derive their authority and jurisdiction from the Governor of the State, and in the Indian Territory from the United States Court, unrestricted as to jurisdiction; that the Common Law construction of the statute so broad in language is to be adopted in construing the Notary's jurisdiction in this State because although ~~Indiana~~ Arkansas being originally a part of the Louisianna Purchase has put in force in her State the Common Law of England in the absence of statutes upon a subject, as above cited, and this same Section of Mansfield's Digest, Section 556, was adopted and put in force in the Indian Territory by the Act of May 2, 1890 (U.S. Stat. at Large, Vol. 26, page 182 of chapter 182). It seems well settled by the weight of authority that in the other states whose decisions have been cited in which the Common Law construction of a Notary Public's jurisdiction

is in force and whose statutes relative to the Notary's power to administer oaths are similar to these of Arkansas, that in every instance their jurisdiction is construed to be co-extensive with the State.

It is true that under the statutes in force in Arkansas, as it is in every State in the Union we might safely say, that a Notary Public must be a resident of the County of his appointment; that such residence is one of the necessary qualifications , but we also think that while he must be a resident of the County of his appointment, yet such requirement does not limit his jurisdiction to administer oaths in other Counties unless such jurisdiction is expressly limited to the County of his appointment by Statuatory Provision. In Illinois it has been held that an affidavit taken by a Notary Public to be used in his own County need not even bear the official seal. See Schaefer V. Kienzel, 123 Ill., 430; Dyer v. Flint, 21 Ill., 80; Stout v. Slattery, 12 Ill., 162; but the same Court in construing the last named case went still farther and said that if an affidavit was to be used outside that County, his Official character must be shown either by his seal or in some other way. It was held in the case of Sullivan v. Hall, 86 Mich, 7, and in the case of Perkins v. Collins, 3 N.J. Eq., 482, wherein the venue was State of N.J., ss., that where the officer's authority to administer oaths is co-extensive with the state, it is not necessary for the affidavit to show at what place in the state it was taken.

In the broad language in force in this jurisdiction which creates the office of Notaries Public it seems to be plain that [illegible] he is appointed and receives his authority from the Governor of the State, or in the Indian Territory from the United States Court, that under the accepted definitions, a Notary Public in the Indian Territory is a State Officer. In a popular sense a State Officer may be defined as one whose jurisdiction is co-extensive with the State: See State v. Hocker, 39 Fla. 477; State v. Dillon, 90 Mo., 229; State v. Higgins, 144 Mo., 410. In a more enlarged sense a State Officer is one who receives his authority under the laws of the State and performs some of the governmental functions of the State; see State v.

Bus, 135 Mo. 325; see also Garner v. St. Louis, 37 Mo., 554; People v. Court, Gen. Sess., 13 Hun., N.Y., 395; that a Notary Public is a State Officer, see Kirksey v. Bates, 7 Port. (Ala.), 529; Matter of Notaries Publis, see 8 Hawaii, 561.

Perhaps the clearest opinion in line with the question in issue in this Brief is the case of Michael Sullivan v. Edmund Hall, 13 Lra., 556. In this case was discussed by the Court, practically the same question under consideration. Under the laws in force in Michigan the appointment, qualifications, and the jurisdiction of a Notary Public was almost identically the same as those in force as above set forth in the State of Arkansas and which have been adopted by the Act. of 1890 and put in force in the Indian Territory. Section 632, How. Stat. of Mich. provides that the certificate of the Notary Public from under his hand and seal shall be presumptive evidence of the facts contained in it, As right to that office comes from an appointment By the Governor of the State , and his compliance with the requirements of the Statutes in filing Oath, bond, etc., (Act. No. 117, Public Acts, 1887) In this case an objection was raised to the validity of an affidavit because the Notary Public did not state in the Jurat the County in which he acts as such officer. The Court in passing upon this questi on says:- "A Notary Public is in no sense a County Officer. The Governor, by and with the advise and consent of the Senate may appoint one or more persons as Notary Public in each County, who shall hold their office, etc". Act No. 117, Public Acts, 1887. While it is very proper that a Notary Public should sign himself as a Notary Public in and for the County from which he is appointed, yet his certificate would not be defective if the designation of the county is ommitted. He may act in any part of the State and his official acts are not confined to the County where he resides. It is further shown that in the amendatory Act of 1889 (Act. 74, Public Acts, 1889) no person is elligible to the office of Notary Public unless the person is a resident of the County of which he or she desires to be appointed, and their official acts are not necessarily confined to that County. The Office would undoubtedly become vacant by the removal from that County but it does not fallow that for this reason that the party is a County Officer

The appointment has always been regarded as a State matterrather than a that of County. It is a State appointment and the ommissionof the-jurat venue would not be a fatal defect in the jurat. It cannot matter to the public to be affected by such certificate, from what particular County the Notary Public was appointed. In legal phraseology "VENUE" means the County where a case is to be tried and, originally, a venue was employed to indicate the County from which the jury was to come.

The necessity of stating a venue at all is reluctantly fixed by the authorities. See Bean v. Ayers, 67 Me. 487; Bridges v. Nantucket Bank 5 Mass . 95.

In view of the status of the law in this jurisdictionwhich has given to Notaries Public, the power of swearing witnesses and taking depositions by a provision , general in its terms confining their acts to no particular County or Diartict for which they are appointed; and in view of the fadt that there is no statute which confines their acts in this regard to the Countyof their appointment, as there is almost invariable in the States which hold that they can exercise this power only in the County for which they are appointed; and in view of the almost unanimous weight of authority, that a Notary Public is a State and a Public Officer, and at Common Law every presumption is indulged in in favor of the jurisdiction of a Public Officer, with the Common Law in force in this jurisdiction as it is, giving to a Notary Public a jurisdiction co-extensive with the State unless limited by law to the County of his appointment, and in view of the decisions of the States heretofore cited in which the same provisions regarding the jurisdiction of Notaries Publicare are in force as in this jurisdiction , which, whitwith the aid of the Common law presumption of a broad jurisdiction have invariably held that the jurisdiction of a Notary Public to swear witnesses ic co-extensive with the State, we believe that we are correct in our contention that , while a Notary Public must be a resident of the County for which he is appointed, that nevertheless so long as he is a lawful officer of that County, this does not limit his jurisdiction to swear witnesses and take af depositions in any County or District of the State of which he is an officer.

On the other hand, suppose that we were to admit for the sake of argument, that in this jurisdiction the power of a Notary Public to swear witnesses is confined to the District of their appointment, we respectfully submit that even though that were the law, nevertheless so long as the Notary Public was a bona fide officer of the District of his appointmentand in possession of his muniments of office, his action of swearing a witness in another District would be the act of a Defacto Officer, and valid as regards all persons and the Public , and the State would be the only party who could call them into question. In the case of Stokes v. Acklen, in the Chancery Court of Appeals of Tennessee, 46 S. W. ReP. 316, it was held that under the laws of the State that a female could not be a Notary Public, yet inthis case in which a female had gotten into office and acknowledged a deed as a Notary Public it was held that she was a Defacto Officer and that her acts were valid against all persons and the Public. The Court in its opinion said, " A Notary Public was an officer known to the common law, and , in the absence of legislation prescribing his duties and the manner of their performance, the common law could be looked to for the purpose of ascertaining them. Kirksey v. Bates 7 Port.(Ala.)529, See, also Smith v. Meador 74 Ga. 416. The office of Notary Public being an office public in its nature, and pertaining to Government, and the a feme sole in this case having been duly elected thereto by competant authority under the law, and commissioned to discharge its duties, and being openly in possession, with the accessories of the office, and in the performance of its functions, were her acts done in office void, because she was ineligible,under the law to hold the office. We hold that they were not. She was an officer defacto , The eligibility of of the incumbent of an office, established by law, openly in possession of it colore officii, and discharging its functions, does not render his her acts void as to third persons and the public dealing with the office and accepting her acts as the acts of a rightful incumbent of the office. We need not attempt to give a comprehensive definition of what it takes to constitute an officer de facto, in the sense of the law. The books and cases are full of definitions. It is settled by a current of authority almost unbroken for over 500 years in England and this country, that eligibility to hold an office does not prevent the ineligible incumbent, if in possession under color of right and authority, from being an officer de facto with respect to his official acts, in so far as third persons are concernod. See the leading case of State v. Carroll 38 Conn. 449,; Smith v. Bondulrant 58 Am. Rep.438; 5 Am. and Eng. Enc. of Law,pp. 96- 109and numerous cases there cited; Shelby v. Alcorn 72 Am. Dec. 169, 187, full note, and cases cited; Weatherford v. State 37 Am. St. Rep. 828, note, and cases cited;and by reference to this case will be found a great number of cases there cited on this same point.

In the case of Blakkburn v. State, 3 Head. Tenn. 690, as was said in the case of Mayor of Nashville v. Thompson 12 Lea. Tenn. 344, that a person inducted into office according to the forms of law is an

officer de facto, although incompetant by the provisions of the constitution to hold the office, and his competenancy cannot be inquired into by the parties affected by his acts. "The ineligibility of the female Notary taking the acknowledgments in this case, caused by the absence of legislation confering the power upon women to hold the offic did not devest her act of the force and incidents attaching to to the act of a de facto officer, the office being one in existence by virtue of law, and she having been given the apparnet sanction of competant authority to discharge its duty.

Upon this we respectfully submit, that even though a Notary had no authority to act without the limits of his district, jet in this case, the Notary Public , being a duly commissioned officer under the laws in force in the Indian Territory , in the possession of the office, that at least her acts were ~~were~~ those of a de facto officer, and the affidavits , being made by affiants before her a NotaryPublic, the same were valid as regards the persons who made them.

However, we believe that our first contention, that a Notary Public, under the laws of the Indian Territory as adopted from Arkansas has jurisdiction to swear witnesses any where in the State, is correct.

That this view is correct, in the absence of the question having arisen in Arkansas, and their interpretation of the law relative to the question of the jurisdiction of a Notary Public to admisister oaths in any County of the State, having been left to the legislative power of that State, we would call attention to the manner in which the legislature of Arkansas , itself, has seen fit to interpret her laws upon this question, as shown by the Act of April 4, 1901, Sec. 5745 of Kirby's Digest of the Statutes of Arkansas, which is as follows, to-wit,- The powers and authority of notaries public shall be co-extensive with the State, for the purpose of swearing witnesses and taking depositions."

Respectfully submitted,

Starr & Pallen

Attorneys for Applicants.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Sanders, F. R. 38, and James Scott, et al., F. D. 157, as Cherokee freedmen.

Reply of the Cherokee Nation.

Comes now the Cherokee Nation and respectfully moves to dismiss the motion for a rehearing filed in this case, purporting to have been sworn to by J. C. Starr of the firm of Starr & Patten, before Jessie Patten on the 13th day of June, 1906, for the reason that the testimony hereto attached, taken in this case before the Commissioner to the Five Civilized Tribes on July 12, 1906, shows that Jessie patten was a Notary Public for the western District and not for the Northern District of the Indian Territory, and that this motion was attempted to be sworn to, and the affidavits of Eliza Tucker and Chlora Foreman attempted to be taken upon the same date at Vinita, Northern District of the Indian Territory, and therefore, without the jurisdiction of the said Jessie patten, who was not entitled outside of her jurisdiction to administer an oath.

Second, The supplemental motions are objected to and it is respectfully moved that they be stricken from the record for the reason that if the principal motion attempted to be filed upon the 18th day of June, 1906, was not a legal motion then the supplemental motions were not filed within sixty days required by section 1 of the Act of April 26, 1906 (Public No. 129), and is not entitled to receive the consideration of the Department.

Third, Because the cases are not consolidated by the Commissioner to the Five Civilized Tribes, but are separate and independent cases.

Fourth, Because no affidavit of Mary Sanders was filed at all within the sixty days as required by Section 1 of the Act of April 26, 1906.

Fifth, Because no affidavit of James Scott has ever been filed in support of the joint motion for a new trial.

On March 24, 1906, the Department (I.T.D. 2788-1906, 6206-1903), in the case of Ann Johnson, held:

"It is true that accompanying the motion are affidavits which allege that the principal applicant, Ann Johnson, through whom the others claim, was brought to the Cherokee Nation from Kansas in 1866, but there is no affidavit of the principal applicantis explaining the failure to produce the parties to these affidavits at the original hearing, or showing that with due diligence the evidence could not have been discovered prior to the hearing, neither is an affidavit produced to show that the motion is not made for the purpose of delay."

With reference to the first objection attention is invited to the testimony taken on the 12th day of July, 1906, wherein it was clearly shown that the firm of Starr & Patten, composed of J. C. Starr and Guy Patten, were located at Vinita, Northern District, Indian Territory; that Jessie Patten was a stenographer and Notary in their office; that she had been there some two months; that she had some time previous thereto been appointed a Notary Public for the Western District of the Indian Territory and had never been appointed a Notary Public in and for the Northern District. It will further be noted that through all of the affidavits the place where they were taken was concealed, but it will also be noted that the impression of the seal discloses that Jessie Patten was a Notary Public within and for the Western District, Indian Territory, and attorneys for applicants, realizing that Jessie Patten had no jurisdiction whatever as a Notary Public outside of her district, make haste to attempt to file amended motions in all of their cases, having the motions sworn to by persons competent to administer an oath. However, they file a brief attempting to justify their action and argue now that, although Jessie patten was within the Northern District, she had jurisdiction. The judges of the several districts are given the same jurisdiction to appoint Notaries within their districts as the governer of Arkansas is for the state. No judge in the Indian Territory could appoint a Notary outside of his district; for instance, the judge of the Western District could not appoint a Notary for the Northern, nor the judge of the Northern District appoint one for the Western District. Section 4764 of Mansfield's Digest is extended over and made a part of the laws of the Indian Territory, and this section provides:

"The Governor may appoint a convenient number of Notaries Public for each county, who shall be citizens of the County for which they are appointed and who shall file in the office of the Recorder of Deeds for

the County a bond to the State for the faithful discharge of their duties in the sum of $1,000 with security to be approved by the Clerk of the Cicuit Court of the County, and who shall hold office for a term of four years."

This section clearly shows that that the Notary is appointed for the County, that he must be a citizen of the County, just as the judge of the district has a right to appoint a Notary for his district, because the districts correspond with the counties. Attention is also invited to the fact that in Arkansas by special act April 4, 1901, that the following act was passed:

"The powers and authority of Notaries Public shall be co-extensive for the State for the purpose of swearing witnesses and taking depositions"

This was not extended over the Indian Territory, as only certain provisions of Mansfield's Digest of 1884 was extended over and made a part of the laws of Indian Territory, and therefore, the Act of April 4, 1901, was not extended over and made a part of the laws of the Indian Territory, but if Notaries Public had the authority under the section herein first above quoted from Mansfield's Digest, why was it necessary for the legislature of the State of Arkansas to enact as the act of April 4, 1901. It seems to us that that is a sufficient answer to the entire argument filed by the counsel on behalf of themselves in this case in an attempt to justify their action. That they disbelieve their own argument is shown by their attempt to file amended motions in every case where the testimony shows that either they or their witnesses were sworn byJessie Patten in the Northern District of the Indian Territory. But we are not without authority upon this particular question. In the case of Commonwealth versus Schwieters, 93 Southwestern 593, decided by the Court of Appeals of Kentucky on May 15, 1906, wherein the defendant was indicted for perjury in a statement made before a Notary public outside of his County, in the State of Kentucky, the Court held:

"If Clarence E. Walker was not a notary public in the city of Louisville, then the defendant was not sworn before a notary public, for the authority of a notary public is confined to the limits designated in the commission of the Governor on making the appointment. He has no authority to act outside of these limits, and anything done by him outside of them is done as a private person, and not as a notary public. The indictment sufficiently apprises the defendant that the testimony charged to be false was given in a certain deposition taken in a certain action given before a notary public. If Walker was not then and there a notary public,

he was not sworn before a notary public, but before a private person. If the indictment had omitted the name of Clarence E. Walker, and had simply charged that the defendant was sworn by a notary public before giving the deposition, the charge could not be sustained unless the person who administered the oath was a notary public at the time and place the oath was taken. The fact that the indictment names the notary imposes on the commonwealth the burden of proving that the notary public before whom the oath was taken was Clarence E. Walker, but no greater particularity of allegation is necessary than if Walker's name had been omitted. The charge that the act was done before a notary public must mean that the person before whom it was done was then and there a notary public."

This is our contention exactly. Jessie Patten was a notary public within and for the Western District; her appointment shows it; her bond shows it; an her seal shows it, and we submit that the attempted oaths are no oaths at all, that Jessie Patten was a private person in Vinita, Northern District, Indian Territory, and not an officer and not entitled to administer an oath. The act of the Legislature of Arkansas in 1901 shows that notaries public theretofore had no jurisdiction to administer oaths outside of their county and the fact that these attorneys in none of their affidavits taken before Jessie Patten stated where they were taken, but concealed the same, clearly shows that they realized that she had no right to take them at Vinita, besides Jessie Patten upon the stand herself admitted attempted to justify her act by saying she thought she was coming with Starr to Muskogee on the 25th day of June, 1906.

Now, we submit that if these motions were not properly sworn to, these affidavits were not properly taken, then they are not affidavits and not motions and were not, therefore, filed within sixty days as provided by section 1 of the Act of April 26, 1906. Again, attention is invited to the fact that the decisionsin these two cases are not consolidated, and there is no affidavit up to the present time of James Scott, who is found upon doubtful card 157. In the original motion for a rehearing, attempted to be sworn to on the 13th day of June, 1906, no reason whatever is shown and no diligence shown; in fact, nothing said of why the testimony had not been introduced or offered to be introduced prior to that time. Practically, the same motion and affidavits are resworn to before Commissioner Thomas J. Farrar, on the 6th day of July, 1906, and no reason is assigned in that amended motion for a rehearing why the testimony could not have been introduced prior to that time; in fact there is no legitimate reason shown in the amended affidavit by Mary

Sanders sworn to on the 11th day of July, 1906, and at no time has any affidavit been made on behalf of James Scott, but it is expected by the attorneys for applicants that he will slip in with Mary Sanders without notice.

Lets examine the testimony in this case to some extent. In the case of James Scott it is shown that he was born in 1863, and that he was the son of Lucy Scott, who belonged to a Cherokee family prior to the war. Jim introduced his young master in his behalf, George Scott, who testified as to ownership, but never saw him until a few years ago since the war. He also introduced Bob Sanders, and by the way he is the husband of Mary Sanders. He lived in the vicinity of Fort Gibson all his life, and he never saw his own wife or Jim Scott or their mother until the last of the 70's or about 1880. Bob Sanders says the same thing in his wife's case and when asked the question in her case on April 8, 1901: "Q. She was never recognized as a Cherokee freedman, was she?" he answered, "No, sir." We find introduced in the Mary Sanders case Emma Smith who was 75 years old and knew Mary Sanders before the war, although Emma Smith was then a resident of Fort Gibson and had been for a number of years, she never saw the mother of Mary Sanders until about 20 years after the war. The next witness Clark Grimmett, his postoffice is Fort Gibson, he was 51 years of age; he also knew them before the war, but he never saw them until a number of years after the war. Now it will be seen that all of these old witnesses introduced on behalf of the applicants, who knew them before the war, and who returned to Fort Gibson after the war, and who lived there in that vicinity, testify that they did not see or did not know of the whereabouts of the applicants or their mother for a number of years after the war. We submit that in view of this positive testimony, that the Department will not reopen this case and upon the testimony of two affidavits made by ex mark of Eliza Tucker and Chlora Foreman. They deal in generalities, whereas these other witnesses, favorable to the applicants, selected and introduced by them, who live at present at Fort Gibson, who knew them before the war, come upon the stand and testify that they never saw them there for a number of years after the war. When it is taken into consideration that Fort Gibson was

a small place of some five or six hundred people, it is improbable that any old slave could have lived in that vicinity without knowing other old slaves with them they were thrown before the war, as the witnesses who were introduced stated as to these applicants and their mother. Again, however to show you how ridiculous the statements of Eliza Tucker and Chlora Foreman are, they testify to seeing the mother in 1865 and also in 1866, as a matter of course. But lets look into Jim Scott's testimony. He and his witness, George Scott, has him born in the year of 1863. Jim Scott says that they were captured and taken to Texas and he says that he was a small boy when he returned, but he remembers returning from the State of Texas after the war. Now, recollect that Eliza Tucker claims to have seen the mother of this boy in 1865 at Tahlequah and if so she would have this young boy remembering hi s return from Texas when he was two years of age. Of course this is not true. Bob Sanders would have testified favorably to his wife if he could have done so when he was first upon the stand before he was prompted, but he told the truth that she was not recognized as a Cherokee freedman, and he had only known her since about 20 years after the war and isn't it peculiar that Bob Sanders, Emma Smith, George Scott and Clark Grimmett, all witnesses introduced on behalf of the applicants and none of them saw them until about that length of time, namely, about 20 years after the war. This is corroborated by Jim Scott's testimony himself in which he remembers returning from Texas, although he was a small boy.

As to the question of diligence in this case attention is further invited to the decison of the Commission in the case of Ann Johnson (I.T.D. 2758-1905), dated March 24, 1906, wherein it is held:

"It is true that accompanying the motion are affidavits which allege that the principal applicant, Ann Johnson, through whom the others claim, was brought to the Cherokee Nation from Kansas in 1866, but there is no affidavit by the principal applicants explaining the failure to produce the parties to these affidavits at the original hearing or showing that with due diligence the evidence could not have been discovered prior to the hearing, neither is an affidavit produced to show that the motion is not made for the purpose of delay."

In the case of Burris versus Wise, 2 Ark. 33, the Court held:

"The only remaining point to be determined is did the Circuit Court err in refusing a new trial on the ground of newly discovered evidence on the trial. The doctrine upon this subject is well settled both upon

reason and authority and we will now fully state it. In order to entitle a party to a new trial on the ground of newly discovered evidence since the former trial the evidence affidavit in the case must prove:

1. The names of the witnesses whose testimony has been discovered and the facts expected to be established by them.
2. That the facts and circumstances as proved must show that the applicant has used due diligence in preparing his case for trial.
3. That the facts and circumstances newly discovered have come to his knowledge since the determination of the trial, and they must be such as if adduced on the trial were competent to prove the issue and would probably have changed the verdict, and,
4. That the evidence discovered is not cumulative of that previously relied on and that it will tend to prove material facts which were not put directly in issue on the former trial."

In support of this decision are collected a great many cases in foot notes two and three appended to this case and the decisions therein cited fully sustain the decision of the Court in this case, and in addition we desire to cite 2 Ark. 45; 2 Ark. 346, which is an exceptionally strong opinion going into the requisites of a motion for a new trial. We desire to also cite 5 Ark. 256, 5 Ark. 405, 10 Ark. 558, 11 Ark. 671, 13 Ark. 360; 17 Ark. 403; 25 Ark. 89; 25 Ark. 380; 28 Ark. 121; 30 Ark. 724; 38 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 481; 84 Southwestern 728.

In Cherokee Allotment Contest No. 712 decided by the Commissioner to the Five Civilized Tribes on June 6, 1906, the Commissioner held:

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:

(a) It must be such as would probably change the result if a new trial is granted.
(b) It must be discovered since the trial.
(c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
(d) It must be material to the issues.
(e) It must not be merely cumulative to the former evidence.
(f) It must not be merely impeaching or contradicting the former evidence."

We also desire to cite the case of Moore versus Larney, Creek No. 49, wherein it was held:

"In motions for rehearing resting on newly discovered evidence, it should be shown that said evidence could not be discovered by due diligence and the facts showing such diligence must appear."

This in effect was what was decided by the Department in the Ann Johnson case hereinabove cited.

In this case the applicants introduced all the testimony they wanted to, ample opportunity was afforded them, and the Commission so finds, that

after ample opportunity having been afforded them they did not introduce testimony sufficient to show that they had complied with the provisions of the treaty and therefore not entitled to be enrolled as freedmen citizens of the Cherokee Nation. They introduced all the persons they could find who knew them before the war and who lived in the very vicinity to which they claim they returned.

We submit therefore:

First, that this case should be dismissed for the reason that no motion or affidavits were filed within the sixty days from April 26, 1906, which expired June 25, 1906, sworn to before a Notary public within his jurisdiction.

Second, we submit that if the first motionx was void and it was no motion, then it could not be amended and the amended motions should not be considered.

Third, we submit that these two cases, not being consolidated and James Scott not having sworn to any motion, this case should be stricken from the record and not considered in this case of Mary Sanders at all.

Fourth, we submit that there is no merit in the case as shown from an analysis of the testimony hereinabove.

Fifth, as above observed, we submit that no diligence whatever has been shown in attempting to procure the attendance of these witnesses as held by all of the courts that without a showing made as to diligence a motion to reopen upon newly discovered testimony will never be allowed.

Respectfully submitted,

(Signed) W. W. Hastings

Attorney for the Cherokee Nation.

(C O P Y)

Cherokee Freedmen
R. 38
Mukogee, Indian Territory, October 17, 1903.

Robert Sanders,

Melvin, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Mary Sanders, as a Cherokee freedman, you are advised that before a decision can be prepared in her case, further testimony is required as to whether or not said Mary Sanders or either of her parents were slaves of Cherokee citizens at the commencement of the rebellion, and whether she or either of said parents returned to the Cherokee nation within the time specified in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, November 17, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

T.B. Needles,

Commissioner in Charge

(C O P Y)

Cherokee Freedmen
R 38

Muskogee, Indian Territory, February 29, 1904

Robert Sanders,

Melvin, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Mary Sanders, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether your wife or either of her parents were slaves of Cherokee citizens at the commencement of the rebellion, and as to whether she, or either of her said parents, returned to the Cherokee Nation within the time provided in the treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A.M., and introduce testimony as above requested.

Respectfully,

T.B. Needles
Commissioner in Charge

1176

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ALL MAIL TO THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-38.

Muskogee, Indian Territory, February 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Robert Sanders for the enrollment of his wife, Mary Sanders, as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to whether said Mary Sanders or either of her parents were slaves of Cherokee citizens at the commencement of the rebellion, and as to whether she or either of her said parents returned to the Cherokee Nation within the time provided in the treaty of 1866.

The said Robert Sanders has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M., and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

(C O P Y)

Register

Cherokee Freedmen
R 38

Muskogee, Indian Territory, October 15, 1904.

Mary Sanders,

Melvin, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Wednesday, November 23, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

(Signed) T. B. Needles
Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen
R 38.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary Sanders as a Cherokee freedman, including the Commission's decision dated May 13, 1905, rejecting said application.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-6

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R 33.

Muskogee, Indian Territory, May 13, 1905.

Mary Sanders,

Melvin, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1905, rejecting said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-4
Register

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R 38.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Mary Sanders as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-5

Chairman.

COPY.

Cherokee Freedmen

R-38.

Muskogee, Indian Territory, May 22, 1905.

Mary Sanders,

Verdigris, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 15, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision dated May 13, 1905, rejecting the application for your enrollment as a Cherokee freedman, was, on that date, forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 23, 1905.

Land.
37648-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Mary Sanders/

May 13, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was born about 1866 and is the daughter of Prince and Lucy Albert; that Prince Albert was a non-citizen of the Cherokee Nation and Lucy Albert was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that after ample opportunity the applicant has failed to show that either she or her mother complied with the provisions of the Whitmire decree relative to residence in the Cherokee Nation, and they cannot be identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

M.M.M.
W.

C. F. Larrabee
Acting Commissioner.

W.C.F.
Y.P.
LLB

D. C. 47431-1905.
I.T.D. 6064-1905.

LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

October 11, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Mary Sanders for her enrollment as a Cherokee freedman.

Reporting May 23, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen

R-38.

Muskogee, Indian Territory, October 21, 1905.

Mary Sanders,

Verdigris, Indian Territory.

Dear Madam:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 11, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby
Commissioner.

Incl. S-281

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-38.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 21, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application of Mary Sanders for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 11, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-282

Cherokee Freedmen
R 38

Muskogee, Indian Territory, June 21, 1906

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of June 13, asking that you be entered as attorneys of record for Mary ganders, an applicant for enrollment as a Cherokee Freedman (No. R 38), and that you be furnished a copy of the record of proceedings in the case.

Your names have been entered as attorneys for the applicant in this case and there is enclosed herewith a copy of the record of proceedings , together with a copy of the Commission's decision of May 13, 1905, rejecting the application for the enrollment of Mary ganders as a Cherokee freedman. This record was mailed to the applicant May 13, 1905, and returned by the Postmaster marked unclaimed. The decision of the Commission was affirmed by the Department October 11, 1905. A copy of the Department's letter affirming the Commission's decision is also enclosed herewith.

Respectfully,

L M B

Encl. B-C

Commissioner

Cher. F. R-38
Cher. F. R-157.

Muskogee, Indian Territory, July 9, 1906.

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt of a motion made by the attorney for the Cherokee Nation "for rule on attorneys for applicants" in the Cherokee Freedmen Enrollment cases of Mary Sanders and James Scott et al, in connection with certain motions filed by you to have reopened said Cherokee Freedmen cases and affidavits filed in support of said motions alleged to have been sworn to by J. C. Starr, Eliza Tucker and Chlora Foreman before Jessie Patten a Notary Public. The attorney for the Nation petitions this office to require each of the members of the firm of Starr & Patten to appear before it on July 12, 1906, and disclose to the Commissioner where each of you were on the 13th and 25th days of June, 1906, and if you were on those days within the limits of the Northern District of the Indian Territory, to show whether or not Jessie Patten was on those dates a Notary Public in and for the Northern District. The copy of the motion referred to is shown to have been served on Mr. Patten on July 7, 1906.

The motion of the attorney for the Nation is granted

Starr & Patten----#2

and each of you are requested to appear before this office on Thursday, July 12, 1906, for the purpose of answering the statements contained in said notice.

Respectfully,

Commissioner.

JEM

Cherokee
F R 36
F R 822

Muskogee, Indian Territory, July 14, 1906.

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, on July 12, 1906, in the matter of the applications for the enrollment of Mary Sanders and James Scott, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-5.
GHL

Commissioner.

Cherokee
F R 88
F R 522

Muskogee, Indian Territory, July 14, 1906.

Starr & Patton,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, on July 12, 1906, in the matter of the applications for the enrollment of Mary Sanders and James Scott, et al., as Cherokee freedman.

Respectfully,

Incl. CL-5.
GHL

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
F R 38
F R 522

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 14, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

Where is inclosed herewith a copy of testimony taken at Muskogee, Indian Territory, on July 12, 1906, in the matter of the applications for the enrollment of Mary Sanders and James Scott, et al., as Cherokee freedmen.

Respectfully,

Commissioner.

Incl. GL-6.
GHL

Cherokee Freedmen
R 38

Muskogee, Indian Territory, August 20, 1906

Starr and Patten,

Attorneys for Mary Sanders et al.

Gentlemen:

This office is in receipt, on June 21, of a motion made by you for a rehearing in the Cherokee freedmen consolidated case of Mary Sanders et al. R. 38 et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 8, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 21, 1906, by Starr & Patten, Vinita, Indian Territory, for a rehearing of the Cherokee freedmen cases of Mary Sanders (F. R. 38) and James Scott et al., (F. D. 157). The motion is supported by the affidavits of Elisa Tucker and Chlara Foreman. Service of a copy of this motion on the attorney for the Cherokee Nation is shown. July 7, 1906, there was filed by the attorney for the Cherokee Nation a "motion for Rule on Attorneys for Applicants," said attorney questioning the jurisdiction of the Notary Public before whom the affidavits in the case were executed and also the validity of their motion. Said motion for a rule on attorneys for applicants was granted by the Commissioner on July 9, 1906, and testimony in the case was taken July

12, 1906. July 7, 1906, attorneys for applicants filed in the case an amended motion for rehearing supported by affidavits of Eliza Tucker and Chlora Foreman. July 14, 1906, attorneys for applicants filed a motion that the affidavit of the applicant, Mary Sanders, which was attached, be considered in connection with their case. July 16, 1906, attorneys for applicants filed a brief in the matter and on August 6, 1906, a "reply of the Cherokee Nation" was filed. All of said documents and the testimony of July 12, 1906, are enclosed herewith.

October 11, 1905 (I.T.D.8064-1905) the Department affirmed the decision of the Commission to the Five Civilized Tribes dated May 13, 1905, rejecting the application of Mary Sanders for enrollment as a Cherokee freedman, and on September 20, 1904 (I.T.D.7188-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Jim Scott for the enrollment of himself and children, Rosa and Elnora Scott, as Cherokee freedmen.

The same question raised in this case as to the jurisdiction of a Notary Public was raised in the Cherokee case of Nora W. Byers, et al. in which the Department, on December 13, 1906 (I.T.D.24442-1906), decided that it "does not consider it

necessary to pass upon the jurisdiction of the Notary Public in the consideration of the motion now presented."

The applicants in this case only claim the right to enrollment as Cherokee freedmen as descendants of Lucy Scott,or Albert, mother of the applicants, Jim Scott and Mary Sanders.

The Commissioner considers the motion now under consideration without merit as there is nothing to show that the evidence now sought to be introduced is newly discovered or that with due diligence the evidence could not have been secured when the case was heard before the Commission, or that the motion is not made for the purpose of delay. It is, therefore, respectfully recommended that the motion be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

L M B

Commissioner

Muskogee, Indian Territory, February 4, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a motion filed by Starr & Patten , Vinita, Indian Territory, on July 18, 1906, for a rehearing of the Cherokee freedman enrollment case of Curtis Martin. There is attached to the motion the affidavit of Nelson Thompson, who signs by mark. The reply of the attorney for the Cherokee Nation filed July 27, 1906, is also enclosed. With their letter of September 12, received September 15, 1906, Messrs. Starr & Patten transmitted affidavits by Blue Thompson, John Melton and Sabina Youngblood, which they request be filed in support of their motion. With their letter of October 15, 1906, they transmitted affidavits by Nelson Moore and Joe Davis, which they also request be filed in support of their motion, and asked to be given until November 1, 1906, within which time to submit additional affidavits, in view of the De-

partment's decision in the Cherokee freedmen case of Jennie Martin et al.

There was received with Indian Office letter dated January 28, 1907 (Land 7188-1907) a communication from McGowan, Scrven & Mohun, attorneys at law, dated January 22, 1907, enclosing the affidavit of Joseph, alias "Stick", Ross. They state they understand that the motion made by Starr & Patten for a rehearing of the case of Curtis Martin is now in the office of the Commissioner of Indian Affairs for Departmental action, and transmit said affidavit "in support of said motion for rehearing". All of these affidavits are enclosed.

Messrs. Starr & Patten represent a majority of all pending freedmen cases, and under the Act of April 26, 1906, they filed a great many motions to reopen and review cases previously decided. They have from time to time supplemented their motions, (all of which except a few which will be forwarded immediately, have been forwarded to the Department), by additional motions and affidavits, which they have requested be filed in support of their motions. It has been difficult for this office to report on these motions for the reason that it could not be foretold

2/4/07

when the attorneys had submitted all the affidavits and motions they expected to submit, and when all of the evidence would be before the Commissioner. On December 21, 1906, Mr. Starr, a member of said firm, verbally advised the Commissioner that his firm had submitted all of the documents they expected to file in connection with their motions filed within the time limited by said Act of April 26, 1906.

It appears that Messrs. McGowan, Serven & Mohun were acting for Messrs. Starr & Patten in filing the affidavit referred to with the Commissioner of Indian Affairs, as the registry receipt attached to the affidavit shows that a copy of the same was mailed by Mr. Starr, a member of the firm of Starr & Patten, to the attorney for the Cherokee Nation. The party to this affidavit submitted by Messrs. McGowan, Serven & Mohun is very well known to this office as "Stick" Ross of Tahlequah, Indian Territory, and the office has never known him by any other name than Stick Ross, and this is the first time the office has had knowledge of his signing his name, or giving his name, as "Joseph" Ross. He has testified in a great many Cherokee freedman cases, and when Starr & Patten recently

introduced him as a witness on behalf of their clients, in a Cherokee freedman case, the Nation introduced witnesses who reside in his community, and who swore that his character is bad, and that they would not believe him under oath. The action of the attorneys for applicants in causing to be filed direct with the Commissioner of Indian Affairs the affidavit of this impeached witness, would tend to show that they attempted to get this affidavit before the Department without the Department being advised as to the character of the affiant.

Nelson Thompson states in his affidavit that he is a brother of the mother of Curtis Martin. He does not state whether the mother of Curtis Martin left the Cherokee Nation during the war, or as to when she returned to the Nation after the war.

Blue Thompson states that he saw the mother of Curtis Martin "in the Cherokee Nation about Christmas of 1866." He does not locate her, or state the circumstances of seeing her, or fix a reason for remembering such an occurrence forty years ago.

John Melton states that Phillis Johnson, or

Thompson, mother of Curtis Martin " was a slave of Frances Butler a sister of my mistress." Sabina Youngblood makes the same statement as John Melton. Their affidavits are stereotyped, and neither states when he or she saw her after the war.

Nelson Moore and Joe Davis have testified in practically every Cherokee freedman case represented by Starr & Patten. This office has heretofore reported to the Department that it would not believe them under oath.

As has been above stated, Stick Ross has been impeached, and no weight whatever is given the statements made in his affidavit.

It appears that the only claim ever made of the right of Curtis Martin to enrollment as a Cherokee freedman is as a descendant of her mother Phillis Majors, or Johnson, or Thompson . The application for her enrollment was made on May 15, 1901, and she was repeatedly notified to appear with witnesses and establish her right to enrollment as a Cherokee freedman, which she failed to do, and a decision was not rendered in her case until December 27, 1902, when she was rejected by the Commissioner

Secretary-6.

for the reason that she had not established by satisfactory evidence her right to Cherokee freedman citizenship. The Commissioner's decision was concurred in by the Commissioner of Indian Affairs May 16, 1906 (Land 155-1906), and affirmed by the Department May 21, 1906 (I.T.D. 6855-1906).

No showing is made that this motion is not made for the purpose of delay. There is nothing to show that the evidence now sought to be introduced is newly discovered, and the record shows that the applicant used no diligence in attempting to show her right to enrollment as a Cherokee freedman. It is therefore recommended that the motion be denied.

Respectfully,

Through the Commissioner of Indian Affairs.

Encl. D-81

L M B

Commissioner

COPY.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

Land
65321-1904
81558-1905
12680-1907

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir;

Referring to Departmental letter of September 20, 1904 (I.T.D.7188-1904), affirming the decision of the Commissioner to the Five Civilized Tribes in rejecting the application of Jim Scott for the enrollment of himself and his two minor children, Rosa and Elnora Scott, as Cherokee Freedmen; and Departmental letter of October 11, 1905 (I.T.D.6064-1905), affirming the decision of the Commissioner to the Five Civilized Tribes in rejecting the application of Mary Sanders for the enrollment of herself as a Cherokee Freedman, there is inclosed herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 2, 1907, enclosing a motion filed on June 21, 1906, by Starr and Patten, attorneys at law at Vinita, Indian Territory, asking for a re-hearing in both of these cases. The motion is supported by the affidavits of Elizabeth Tucker and Chlora Foreman and shows service of a copy on the attorney for the Cherokee Nation.

A considerable amount of the record transmitted with the motion raises the same question as to the jurisdiction of a notary public

public out of the limits of the judicial district in which they hold commissions as was raised in the Cherokee case of Zera W. Evers, and others, in which the Department decided that it was not considered necessary to pass upon the jurisdiction of the notary public in the consideration of the motion they presented.

No question of law or fact is raised in the motion that has not heretofore been considered, and the Office concurs in the recommendation of the Commissioner that the motion be denied.

The record in each of the cases above mentioned is enclosed herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE-D

COPY.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.4024-1907.
L R S

February 20, 1907.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On February 16, 1907 (Land 12680), the Indian Office transmitted your report dated February 2, 1907, forwarding a motion for a rehearing in the matter of the application of Mary Sanders and James Scott, et al., for enrolment as Cherokee freedmen.

You consider the motion now under consideration without merit. As there is nothing to show that the evidence sought to be introduced is newly discovered, or with due diligence it could not have been secured when the case was heard before the Commissioner, you recommend that said motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

Said motion appears to be without merit and in view of Section 2 of the act of April 26, 1906 (34 Stat., 137), even if a prima facie case for a rehearing was presented the Department would not be warranted in granting a rehearing at this late date.

The papers in the case have been sent to the Indian Office, together with a carbon copy hereof.

Respectfully,

Signed, Thos Ryan,

First Assistant Secretary.

1 inc. and
7 to Ind. Of.

A F W C
2-21-07.

Cherokee F.R.
38 et al.,

COPY

Muskogee, Indian Territory, March 14, 1907.

Starr & Patten,

Attorneys for Mary Sanders, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing filed by you June 21, 1906, in the matter of the application for the enrollment of Mary Sanders and James Scott, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, February 20, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-70

RPI

Cherokee F.R.
38 et al

COPY

Muskogee, Indian Territory, March 14, 1907 .

Mary Sanders,

Verdigris, Indian Territory.,

Dear Madam:

You are hereby advised that the motion for a rehearing, filed by your attorneys, Starr & Patten, Vinita, Indian Territory, June 21, 1906, in the matter of the application for the enrollment yourself and others as Cherokee freedmen.

Respectfully,

SIGNED
Commissioner.

Enc I-710
RPI

REFER IN REPLY TO THE FOLLOWING:

Cherokee E.R.
38 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing filed by Starr & Patten, attorneys, June 21, 1906, in the matter of the application for the enrollment of Mary Sander and James Scott, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, February 20, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Enc I-69

RPI

Cherokee Freedman
R 522

Muskogee, Indian Territory, March 20, 1907

Chief Clerk,

Cherokee Land Office.

Dear Sir:

You are advised that a motion filed to reopen the Cherokee freedman enrollment case of Jim Scott et al., was denied by the Secretary of the Interior, February 20, 1907.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
R 38

Muskogee, Indian Territory, March 26, 1907

Mary Sanders,

Verdigris, Indian Territory.

Dear Madam:

In reply to your letter of March 14, 1907, you are advised that your application for enrollment as a Cherokee freedman was, on October 11, 1905, denied by the Secretary of the Interior. A motion for a rehearing of your case was also denied by the Department on February 20, 1907.

Respectfully,

L M B

Acting Commissioner

James. Scott. }
Mary. Sanders }

William. Davis. Fort, Gibson, I T.
Buss. Harlan, Melvin I.T.
Margaret. Sanders. Melvin I.T.
Get if Possible the Time of
return of these Peoples Mother
Lucy who married Prince Albert
It is Claimed this Woman
Was Taken South by the Con
federates, during the War
Emma. Smith.

Get if Possible about five
or Six affidavids as To the
return of Lucy To the Cherokee
Nation after the War —

Dear Patten

BLUE & BULGIER

ATTORNEYS AT LAW
VINITA. IND. TER.

No 58/59

REGISTERED
JUL 13 1906
VINITA. IND. TER.

VINITA IND. TER.
JUL 13
6 PM

394

W. W. Hastings,

Attorney for the Nation

Muskogee

I. T.

Cher Fr R 39

Cher Fr R 39

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 9, 1901.

In the matter of the application of James P. Perry for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your full name? A James P. Perry.
Q How old are you? A About 53.
Q What is your postoffice address? A Melvin.
Q What district do you live in? A Tahlequah. I am an adopted citizen by marriage. My wife just enrolled.
Q You apply for enrollment of yourself as a Cherokee Freedman by intermarriage, do you? A Yes sir.
Q What is your wife's name? A Ann Perry.
Q How old is she? A She's 48, I think.
Q She's been enrolled here? A Yes sir, she has just been enrolled.
Q When were you married to Ann Perry? A In 1896.
Q Got any proof of your marriage? A Yes sir.

Applicant presents a certified copy of marriage license issued by James A. Winston, Clerk of the United States Court, and certificate ~~certifying~~ of marriage certifying that applicant was married to one Mrs. Annie Fields on the 14th day of April, 1896, according to the laws of the United States.

Q You don't claim to be a Cherokee Freedman under the law? A No sir.
Q You were born and raised in the States? A Yes sir.
Q Never was a slave? A Yes sir.
Q Were you owned by a Cherokee citizen? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page 759, No. 714, Ann Fields, Tahlequah Dist.
The name of the applicant is not found on any of the rolls of the Cherokee Nation in possession of the Commission.

James P. Perry applies for enrollment as a Cherokee Freedman by intermarriage; he presents satisfactory certificate of marriage to one Ann Fields according to the laws of the United States certifying that he was married on the 14th day of April, 1896, and thename of Ann Fields is found upon the authenticated roll of 1880, and was duly enrolled as a Cherokee Freedman. According to the laws of the Cherokee Nation all marriages of citizens to non citizens after the 16th day of December, 1895, shall confer no rights of citizenship upon the said intermarried non citizens; consequently, the application of James P. Perry for enrollment as a CherokeeFreedman by intermarriage is refused and he will be rejected.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. Rothenberger

Subscribed and sworn to beforeme this 10th day of April, 1901.

Commissioner.

Melvin, Okla

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 9 1901

Acting Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 9 1901

Post Office Melvin

District Tahl:-

1. Name James B. Perry Age 55

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Mob Stenographer Rottenberger.

Certificate of Examiner, Tiller (illegible)

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, of alleged citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,
Henry Thomas,
Ella Vann,
Mary Markham,
Frances Melton,
John Dotson,
Mary Jane Vann,
Thomas Lowe,
Eva Mayfield,
Sallie Rider,
Reuben Campbell,
Van Jackson Luther,
Cassie Middleton,
Mary Hardin,
Nellie Fields,
John Kimbo,
William S. Madden,
Jane Dean,
Albert T. Thomas,
Mary Compton,
Caroline Dunlap,
Melvina Allbert,
Dave Morris,
Alexander Chiggett,
Amanda Martin,
Eliza Martin,
John E. Dartes,
Ben Davis,
Samuel Brown,
Howard F. Watson,
Jack McConnell,
Maude Manley,

Cherokee Freedmen D— 18,
Cherokee Freedmen D— 89,
Cherokee Freedmen D— 90,
Cherokee Freedmen D— 109,
Cherokee Freedmen D— 110,
Cherokee Freedmen D— 111,
Cherokee Freedmen D— 113,
Cherokee Freedmen D— 115,
Cherokee Freedmen D— 124,
Cherokee Freedmen D— 147,
Cherokee Freedmen D— 167,
Cherokee Freedmen D— 171,
Cherokee Freedmen D— 173,
Cherokee Freedmen D— 175,
Cherokee Freedmen D— 179,
Cherokee Freedmen D— 180,
Cherokee Freedmen D— 183,
Cherokee Freedmen D— 205,
Cherokee Freedmen D— 240,
Cherokee Freedmen D— 270,
Cherokee Freedmen D— 287,
Cherokee Freedmen D— 297,
Cherokee Freedmen D— 299,
Cherokee Freedmen D— 300,
Cherokee Freedmen D— 301,
Cherokee Freedmen D— 317,
Cherokee Freedmen D— 318,
Cherokee Freedmen D— 319,
Cherokee Freedmen D— 345,
Cherokee Freedmen D— 347,
Cherokee Freedmen D— 349,
Cherokee Freedmen D— 350,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kinder Lipscomb,	Cherokee Freedmen D—[illegible],
Thomas E. Allen,	Cherokee Freedmen D—[illegible],
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kissie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—578,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willis Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irven,
Mary Rose,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgetnn Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deekman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Mair,
George Adams,
Annie Thomas,
Lewis McConnell,
Cellie Vann,
Lon Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Inom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—741,
Cherokee Freedmen D—780,
Cherokee Freedmen D—784,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—792,
Cherokee Freedmen D—793,
Cherokee Freedmen D—806,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—889,
Cherokee Freedmen D—901,
Cherokee Freedmen D—918,
Cherokee Freedmen D—922,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 50,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Cherokee Freedmen R.—108,
Cherokee Freedmen R.—110,
Cherokee Freedmen R.—112,
Cherokee Freedmen R.—114,
Cherokee Freedmen R.—122,
Cherokee Freedmen R.—126,
Cherokee Freedmen R.—129,
Cherokee Freedmen R.—131,
Cherokee Freedmen R.—143,
Cherokee Freedmen R.—144,
Cherokee Freedmen R.—146,
Cherokee Freedmen R.—163,
Cherokee Freedmen R.—165,
Cherokee Freedmen R.—173,
Cherokee Freedmen R.—181,
Cherokee Freedmen R.—196,
Cherokee Freedmen R.—311,
Cherokee Freedmen R.—330,
Cherokee Freedmen R.—337,
Cherokee Freedmen R.—347,

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Russell Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Bettie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert P. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard Watson; by Jack McConnell for himself; by Mattie Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mask, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Pell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Walton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledbetter, Bell Thompson, Lewis Scott, Abe Scott, Kendet Lampton, Thomas F. Allen, Lewis Vanderford, John I. Bevlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy

Chouteau, Alice Durant, Wahaley Ward, Fred D. Thomas, Bettie Rook, Willis Warren, Millie Erbinson, Mary Walker, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lorkin P. Powell, Sawyer Jones, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Vann, Jack Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irwin, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamilrig, Linnie West, Maria French, Mary Johnson, Maggie Vann, William Hodson, Sarah Rogers, Abraham Ballard, Laura David, John Hummert, James B. Perry, Isaac Welch, Lawson Logan, George Keefil, Henry Muir, George Logan, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Muir, Robert Brown, Allie Chambers, Iben Jones, Alice Gunter, Katie Muir, Carrie Martin, Benjamin Cloud, Molly Lowrey, John Groves, Matilda McNair, Bettie Vann, Malcom Lyon, Fannie Rogers, William Washington, Squire Warren Guyer, Jennie Goldsby, Susan Daniels, Anderson Smith, David Lane, Julia McClain, Henderson Jones, Nellie Vann, Levi Stroud, John Sawyer, Elijah Thompson, Miles Sheppard and Lula Mullen, as Cherokee citizens by intermarriage.

The Dawes Commission, together with the records of proceedings had by the same, had this day been transmitted to the Secretary of the Interior for his review and decision. The records of the

-2-

[redacted] will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(signed) Jamie Bixby,

[redacted]

Encl. K-9.

CO[illegible].

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Holton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Xander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elizabeth Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Book, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry [illegible], Lurbin F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, [illegible], John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dickman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mastr, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice [illegible], Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, Judge Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Mason Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Marish Thompson, Ellen Sheppard and Lula Walton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. K-8,

Through the
Commissioner of Indian Affairs.

COPY

Cherokee Freedmen

R-39.

Muskogee, Indian Territory, January 24, 1905.

James B. Perry,

Melvin, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-73.

Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Wann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Ace Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20877-1905
I.T.D. 2904-1905.

W.C.F.
FHE

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell , Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel, Brown , Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson , Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber , Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young , John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann , Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Land, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen

E-39.

Muskogee, Indian Territory, April 28, 1905.

James B. Parry,

Melvin, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED, Tams Bixby,
Chairman.

COPY.

Cherokee Freedmen

D 14, et al.

Muskogee, Indian Territory, April 28, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) Tams Bixby.
Chairman

COPY.

Cherokee Freedmen
D-14, et al,
Muskogee, Indian Territory, April 26, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Harris, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

James B. Perry

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apr. 7, 1

B. Mem. of application Sept. 9

Copy of testimony filed with Cherokee Nation.

See Docket No 738.

Cher Fr R 40

Cher Fr R 40

To be filed in C.F.D.1101, Burrell H. Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 10th, 1901.

In the matter of the application of Burrell Daniels for the enrollment of himself and wife and one child as Cherokee freedmen. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q What is your age? A About 70.
Q What is your post office address? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you been recognized as a Cherokee Freedman by the Cherokee authorities? (No response.)
Q Is your name on any of the Cherokee rolls? A Yes, sir.
Q Who is it that you desire to have enrolled besides yourself? A My wife and children.
Q What is your wife's name? A Miranda.
Q How many children have you under twenty-one? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old isyour wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No, sir, but it is on the Wallace roll, and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand River west of Vinita.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes, sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation? A They taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranch and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I don't know how long, I was working my way back from place to place, didn't have any means of getting back and had to work my way.
Q When did you get back to the Cherokee Nation? A I don't remember exactly the date, but I got back here when Mr. Bushyhead was chief, I got back when Cherokee Council was in session and I applied to the Council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Guss Ivy and some others took it up and it passed all the council excepting the full bloods and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the council excepting the full bloods and they did not wait for them and council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes, sir.

Q Did she come back with you? A Yes, sir.
Q Where was Robert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Don't know exactly, he was just a little bit of a kid though.
Q Was he with you all the time? A Yes, sir.
Q Did he come back with you? A Yes, sir.

Edgar Smith, attorney for applicant, continues examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation? A Well it was just this way: When the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande river, and before he crossed over into Mexico he made us all get into line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves who was set free did not owe their old masters anything; but he drewed it up in writing and made us all sign it and then we went in to Mexico and there the Mexican government didn't have any law as old "Maxamillian" was in power then, and they had a law called the Peon law and they peoned me out to a Mexican. The Mexican governor————gave $115.00 for me and I worked for him on a ranch for several years until a Jew fellow who had come from New York came round there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him and he was living in Chihuahua and I was taken there and cooked for him for a year. The governor of Chihuahua who was named Don Terasso was the man who had me peoned and the Jew paid us out for him. They taken us to Chihuahua the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there any more as old "Maxamillian" was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen Grant sent them two officers down there in regard to relieving us and they took us away and they went from Chihuahua to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when they got to a certain place across the Rio Grande called————they left us and I went on to San Antonio. When the troops left us I asked them how much I owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed me $20.00 and then I went on to San Antonio with my family.
Q And the officers brought you into Texas and turned you loose and you went on to San Antonio? A Yes, sir.
Q And you say you worked in San Antonio several years before coming on to the Cherokee Nation? A Yes, sir.
Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to

Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work your way to the Cherokee Nation? A Yes sir, I was taken down there by Col. Bryant and peoned out to Don Lewis Terrasso the Governor of Chihuahua.
Q And that is the reason that you did not come back to the Territory?
A Yes, sir.
Q Were you a slave during the war, or before the war? A Yes, sir. I was before the war, and during the war was a teamster and cook in the Confederate army.
Q So it was some years after the surrender that you got back to the Indian Territory? A Yes, sir, I found my mother here on the river when I got back. I came back when Bushyhead was chief.

By W. W. Hastings, Cherokee Representative:

Q About what year was it that you came from Mexico to San Antonio?
A I don't know.
Q You stated that you staid in San Antonio several years? A Yes, sir.
Q How many? A Five or six years on a ranch in Mexico.
Q Then you were in Mexico after the war for five or six years? A Yes, sir.
Q I believe that you testified that you came back to the Cherokee Nation when Mr. Bushyhead was chief? A Yes, sir.
Q Then for five or six years after the war you were in Mexico and then you went to Texas and staid there several years before coming on back here? A Yes, sir, I worked in San Antonio several years before I came back here.

By Edgar Smith:

Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he (Q Who? A Col. Bryant) was camped about a mile from the city of Chihuahua and was selling off the colored people to pay what he said we owed him. He was letting little girls go for $30.00 each and when I saw it I walked away and went into the city and he had me arrested and there were some people there who taken our part and took it into court and we staid in court about a week, and at that time old "Maxamillian" and his French was in power and the Mexican government had no laws and they peoned us all out to pay that claim and the governor of the state of Chihuahua said that he would pay $113.00 for me and he paid it to him. (Q Who paid it to who? A The Mexican governor to Col. Bryant) Col. Bryant said that me and my family owed him $500.00 and the governor of Chihuahua paid him $113.00 and we worked on his ranch.
Q Did you owe him anything? A Not a cent.
Q But you were sold to the Mexican governor for $113.00 and worked for him on his ranch? A Yes, sir.
Q How long did you work on that ranch? A Five or six years.
Q You say Gen. Grant took you out? A Yes, sir, sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didn't have any.
Q Why didn't you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get on as I did not have any money and had a large family.

By Commissioner Needles:

Q How long did you stay in Texas? A Don't know how long, worked in San Antonio several years.

The Kerns-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows: Page 181, No. 4453, Burrell Daniels, Creek Nation. Page 181, No. 4457, Robert Daniels, Creek Nation.

By Com'r Needles:

The name of Burrell Daniels is not found on the authenticated roll of 1880 or the census roll of 1896, but his name is on the Kerns-Clifton pay roll of 1894; the name of his wife Miranda is not found on any of the rolls in the possession of the Commission. The name of his son, Robert, is found on the Kerns-Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment as a Cherokee Freedman and that of his wife and son, will be refused and they will be rejected.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 10th of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles,

Commissioner.

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Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of December, 1901.

Commissioner.

73. J. Ch. 40

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 10 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 10 1901

Post Office Talalah

District Coo —

1. Name Burrell Daniel — Age 70

Owner's name Robert Daniel — Citizenship Cher. —

Year K C Page 181 No. 4453 District Creek Nation

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Miranda Daniel — Age 71

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. Robert Daniel — Year K.C. Page 181 No. 4467 Dist. Creek Nation

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No 61 — Stenographer [illegible] Chero.

111

File with the case of Mack Daniels, C. F. D. 1089.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 10th 1901.

In the matter of the application of Burrell Daniels for the enrollment of himself and wife and one child as Cherokee Freedmen. He being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q What is your age? A About 70,
Q What is your post office address? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman ? A Yes sir.
Q Have you ever been recognized as a Cherokee Freedman by the Cherokee authorities? A (No response)
Q Is your name on any of the Cherokee rolls? A Yes sir.
Q Who is it that you desire to have enrolled besides yourself? A My wife and childrn.
Q What is your wife's name? A Miranda.
Q How many children have you under twenty-one? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old is your wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No sir but it is on the Wallace roll and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand river,west of Vinita.
Q Were youa slave? A Yes sir.
Q What was your owners name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes sir.
Q Where were you at the close of the war? A In the Choctaw Nation
Q When did you return from the Choctaw Nation to the Cherokee Nation
A They taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranche and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I don't know how long, I was working my way back from place to place, didn't have any means of getting back and had to work my way.
Q When did you get back to the Cherokee Nation? A I don't remember exactly the date, but I got back here when Mr. Bushyhead was Chief. I got back when the Cherokee Council was in session and I applied to the Council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Gus Ivey and some others took it up and it passed all the Council excepting the full bloods and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the Council excepting the full bloods and they did not wait for them and Council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Ntion.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes sir.
Q Did she come back with you? A Yes sir.
Q Where was Robert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Dont know exactly, he was just a little bit of a kid though.

Q Was he with you all the time? A Yes sir.
Q Did he come back with you? A Yes sir.

EDGAR SMITH, attorney for the applicant, continues examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation? A Well it was just this way: when the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande river, and before he crossed over into Mexico he made us all get in line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves who was set free did not owe their old masters anything; but he drewed it up in writing and made us all sign it and then we went into Mexico and there the Mexican government didn't have any law as old " Maxamillian" was in power then, and they had a law called the Peon law and they peoned me out to a Mexican. The Mexican governor---------gave $113.oo for me and I worked for him on a panche for several years until a Jew fellow who had come from New York came round there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him,and he was living in Chihuahua and I was taken there and cooked for him for a year. The Governor of Chihuahua was named Don Terasso,he was the man who had me peoned and the Jew paid us out from him. They taken us to Chuhuahua the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there anymore as old "Maximilliano" was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and then Gen. Grant sent them two officers down there in regard to relieving us and they took us away and they went from there Chihuahua to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would shoe so many mules for them and when we got to a certain place across the Rio Grande called_____they left us and I went on to San Antonio. When the troops left us I asked them how much I owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed me $20.oo and then I went on to San Antonio with my family.
Q And the officers brought you into Texas and turned you lose and you went on to San Antonio? A Yes sor.
Q And you say you worked in San Antonio several years before coming on to the Cherokee Nation? A Yes sir.
Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work your way to the Cherokee Nation?
A Yes sir, I was taken down there by Col. Bryant and peoned out to Don Lewis Terrasso the Governor of Chihuahua.
Q And that is the reason that you did not come back to the Territory?
A Yes sir.
Q Were you a slave during the war, or before the war? A Yes sir, I was before the war, and during the war was a teamster and cook in the Confederate army.

Q So it was some years after the Surrender that you got back to the Indian Territory? A Yes sir; I found my mother here on the river when I got back. I came back when Bushyhead was Chief.

By W. W. Hastings, Cherokee Representative:

Q About what year was it that you came from Mexico to San Antonio? A I dont know.
Q You stated that you staid in San Antonio several years? A Yes sir
Q How many? A Five or six years on a ranche in Mexico.
Q Then you were in Mexico after the war for five or six years? A Yes sir.
Q I believe that you testified that you come back to the Cherokee Nation when Mr, Bushyhead was chief? A Yes sir.
Q Then for five or six years after the war you were in Mexico and then you went to Texas and staid there several years before coming on back here? A Yes sir I worked in San Antonio several years before I came back here.

By Edgar Smith:

Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he--
Q Who? A.Col Bryant,was camped about a mile from the city of Chihuahua and was selling off the colored people to pay what he said we owed him. He was letting little girls go for $30.oo each and when I saw it I walked away and went into the city and he had me arrested and there were some people there who taken our part and took it into court and we staid in court about a wekk, and at that time old " Maximillian " and his French was in power and the Mexican Government had no laws and theu peoned us all out to pay that claim and the Governor of the State of Chihuahua said that he would pay $113.oo for me and he paid it to him (Q. Who paid it to who? A. The Mexican Governor to Col. Bryant) Col. Bryant said that me and my family owed him $500.oo and the Governor of Chihuahua paid him $113.oo and we worked on his ranche.
Q Did you owe him anything? A Not a cent.
Q But you were sold to the Mexican Governor for $113.oo and worked for him on his ranche? A Yes sir.
Q How long did you work on that ranche? A Five or six years.
Q You say Gen. Grant took you out? A Yes sir sent two officers to take us out.
Q How much money did you have when you left Mexico? A Didn't have any
Q Why didn.t you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get on as I did not have any money and had a large family.

By Commissioner Needles.

Q How long did you stay in Texas? A Dont know how long, worked in San Antonio several years.

The Kern-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows:
page 181 No 4453,Burrell Daniels, Creek Nation.
page 181 No 4457 Robert Daniels Creek Nation.

By Com'r Needles- The name of Burrell Daniels is not found on the authenticated roll of 1880 or the census roll of 1896, but his name is on the Kern Clifton pay roll of 1894;the name of his wife Miranda is not found on any of the rolls in the possession of the Commission. The name of his son, Robert is found on the Kern Clifton roll of 1894. They are all duly identified, but from the facts stated in the testimony his application for enrollment as Cherokee Freedmen and that of his wife and son,

will be refused and they will be rejected.

= = = = = = = = = = =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 13th of November, 1901.

Commissioner.

C.F. R-40.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant:

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. Butler, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 25 years, or 20; well 25 years I guess, since 1882, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1883, and the next year would be 1884. A Well 1884 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the council.

Q What was he doing there at that time? A He came there to be readmitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for readmission? A Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record; I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think thefact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases: R-40, D-861, D-916, D-917, and D-941.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

M D Green

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25,1901.

In the matter of the application of Mack Daniels for the enrollment of himself and one child as Cherokee freedman; he bing sworn by Com'r. T. B. Needles, testified as follows:

Q What is your name? A Mack Daniels.
Q What is your age? A 25.
Q What is your postoffice address? A Talala.
Q What district do you live in? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who else do you want to have enrolled besides yourself? A One girl.
Q What is her name? A Mady.
Q How old is she? A Six years.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Ella.
Q Is she a citizen? A No, sir.
Q Non citizen? A Yes, sir.
Q Have you any proof of marriage to her? A No, sir, not here.
Q Is this child living now? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Wallace and Kerns.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mary.
Q Is she living? A Yes, sir.
Q Is your father a citizen of the Cherokee Nation? A Yes, sir.
Q Is his name on the 1880 roll? A I don't know.
Q Do you claim citizenship through your father or mother? A Both.
Q Where were you born? A In Texas.
Q Your father and mother were living in Texas when you were born? A Yes, sir.
Q When did you come from Texas to the Cherokee Nation? A When I was a little boy.
Q Been living in the Cherokee Nation ever since? A Yes, sir, ever since I have been knowing myself.

Kern Clifton roll examined and the name of the applicant found as follows: page 181 No.4455 Mack Daniels, Creek Nation
Applicant not on the 1880 or 1896 rolls.
Wallace roll examined and the applicant found as follows: Page 109 No.2317, Mack Daniels, Creek Nation.

Q You say you were a child when you came here? A Yes, sir.

BY COM'R. NEEDLES: Mack Daniels applies for himself and one child Mady; he avers that he married to one Ella Daniels a non citizen and does not apply for her. He avers that he is the child of Burrell and Mary Daniels, and the said Burrell Daniels is listed on Cherokee Freedmen R. card #40. He claims his citizenship through both his father and mother and the testimony taken in the application of his father and mother, Burrell and Mary Daniels on C.F.R. card #40 will be made a part of the record in this case and copies of same filed herewith.
The name of his child Mady is not found on any of the rolls of the Cherokee Nation. He is identified on the Wallace and Kern Clifton rolls according to the page and number indicated in the testimony. Because of the facts set forth in the testimony that he was a minor when his father and mother returned to the Cherokee Nation, he and his child will be listed as Cherokee freedmen on a doubtful card, the only question being as to his rights accruing by reason of the fact that he returned to the Cherokee Nation during his minority. It will be necessary for him to make satisfactory proof of the birth of his child Mady as well as of his marriage to his wife Ellen.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this 5th day of November, 1901.

T. B. Needles,

Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel H. Maxwell.

Subscribed and sworn to before me this 17th day of July, 1902.

(Seal)

Bruce C. Jones
Notary Public.

Department of the Interior, C.A.

OFFICE OF INDIAN AFFAIRS,

Washington, April 14, 1902

I, A. C. Tonner acting, Commissioner of Indian Affairs, do hereby certify that the paper hereto attached is a true and literal copy of so much of the Jno. Wallace roll as shows the enrolment of Burrell Daniels and family, as Cherokee freedmen, and as beneficiaries of the per capita fund of $75.00 appropriated by the act of Congress approved October 19, 1888 (25 Stats. p. 609)

as the same appears on file in this Office.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.

A. C. Tonner

Acting Commissioner.

Schedule of Names of Cherokee Freedmen, - made by John W. Wallace, Special Agent, appointed by the Secretary of the Interior, under a clause of the Indian Appropriation Act of March 2, 1889 (25 Stats., p. 994) and under his instructions issued July 11, 1889, as entitled to share with the Shawnees and Delawares in the per capita distribution of the sum of seventy-five thousand dollars ($75,000) appropriated by the Act of Congress approved October 19, 1888, (25 Stats., p.609), and revised under the supervision of this office.

AUTHENTICATED FREEDMEN.

Office No.	Wallace No.	Cherokee No.	Name.	Age.	Sex.	Residence
		Coo.Dist.				
1	1	1	Alberty, Jerry	51	M	Cooweescoowee Dist.
2	2	2	" Ruth	46	F	" "
3	3	4	" Noah	22	M	" "
4	4	5	" Moses	20	M	" "
. . . . .						
2093	106	55	Johnson, Ellen	34	F	Sequoyah Dist.
		Died 1888, on Cherokee roll as 24 in 1880.				
2094	107	78	Milton, Peggy	25	F	Sequoyah Dist.
		Died 1885 on Cherokee roll as 15 in 1880.				
2095	108	108	Wright, Ellen	28	F	Sequoyah Dist.
		Died 1890.				
. . . . .						

ADMITTED FREEDMEN.

2096	3	Adair, Henry	65	M	Delaware Dist.
2097	4	Albert, Mattie	47	F	Sequoyah Dist.
2098	5	" Nancy	20	F	" "
2099	6	" Henry	18	M	" "
. . . . .					

ADMITTED FREEDMEN.

Office No.	Wallace No.	Name.	Age.	Sex.	Residence.
2313	242	Chouteau, Dido	80	F	Cooweeskoowee Dist.
2314	245	Daniels, Burrell	60	M	Creek Nation
2315	246	" Miranda	61	F	" "
2316	247	" Burrell, Jr.	18	M	" "
2317	248	" Mack	16	M	" "
2318	249	" Lizzie	14	F	" "
2319	250	" Robert	12	M	" "
2320		" Mary	10	F	" "
2321	251	Newton, Lizzie	8	F	" "

* * * * * * * * * * * * *

" FREE NEGROES "

3214	24	Vann, Maggie Daughter of No.10 this schedule.	23	F	Illinois Dist.
2315	25	Hampton, Adeline	35	F	" "
3216	26	Dash, Nora	18	F	" "

Department of the Interior,

Office Indian Affairs,

October 29th, 1890.

The foregoing schedule, containing the names of 1988 living, and 107 dead freedmen, who are or have been recognized as such by the Cherokee Authorities, or are the children of such; of 1087 who were "admitted" by Special Agent Wallace as entitled to share, (with the Shawnees and the Delawares) in the per capita distribution of the sum of Seventy-five thousand dollars ($75,000) appropriated by the Act of October 19, 1888, (25 Stats., p.609) and whose deision is sustained by the evidence presented; of 13 who were rejected by Special Agent Wallace, as not entitled &c., but the evidence presented in each case shows that they were the slaves, or the children

of slaves, of Cherokee Indians, who returned to the Nation within the limit of time fixed by the 9th Article of the treaty of July 19, 1866 (14 Stats., p.801) and who continued to reside and still reside within the limits of said Nation; and of 21 persons, known as "free colored persons who were in the country at the commencement of the rebellion and are now residents therein",and their descendants, making in the aggregate 3216 persons, who, in my judgment, are entitled, from the evidence and facts presented in Special Agent Wallace's report, to share in the per capita distribution of the sum of Seventy-five thousand dollars appropriated as aforesaid and as in the said Act provided; and I respectfully submit the same, with the recommendation that it be approved by you and that a per capita payment of Fifteen dollars and fifty cents ($15.50) be made to each of said claimants, that being the sum to which each is entitled to receive under the law.

R. V. BELT ,

Acting Commissioner.

Department of the Interior,

November 21, 1890.

The foregoing schedule of 3216 names from page 1 to page 154, is hereby approved as recommended.

John W. Noble,

Secretary.

with all of My family as Citizens of the Cherokee Nation with full rights with all of the Cherokee Freedmen who are legal Citizens—

Witness
Ernest Daniels
John Lorimore

Burl his X mark Daniels,

Sworn to and Subscribed before me this the 10th day of May 1902—
My term Expires
Jan 30 1905—

Joshua Ross
Notary Public

Burl Daniels

Muskogee Indian Territory
May 10th 1902.

On this the 5th day of May 1902. Burl Daniels, under oath says he is a Cherokee Freedman, aged about Seventy Years. Post Office Tahlequah Indian Territory. I was born a Slave to Dick and Susan Taylor in the old Cherokee Nation, and Emigrated with them to Tahlequah Cherokee Nation Indian Territory in 1838. and Continued to be a Slave to the said Susan Taylor and her daughter Anna Daniels. Cherokee Indians to the Year of American War 1861.—1865. During the war I was forced into Confederate Service as a Teamster in Major Joel M. Bryans, Command under Gen. Cooper of the Choctaw Nation.

In 1865. peace was declared and Major Joel M. Bryan. the Rebel Major of Confederate Service. gathered his family and a Company of friends and a drove of Black people whom he made Captive Slaves and moved down into the Republic of Mexico. and there he Camped us. at a Mexican Ranch named Tah lopen. one Mile from the City of Chewanwaw. and there Sold me and my family of Seven persons for the Sum of One hundred and thirteen fifteen dollars, to the Governor of the State of Chuwanwaw Don. Luis Carathas. I and my family were sent out to the Governors Ranch thirty Mile

from Bryan's Camp near the said City - where we lived as Slaves five or six Years - and my wife there had two Children for me and they died and were buried in Mexico - I worked on the farm raising Corn and wheat during the six Years I was in Mexico.

At the End of six Years a Rich Jew named Ambros - paid the Governor for me and my family - and we worked for the Rich Jew for one Year - more or less - and then one night - the Governor of New Mexico came to Chuwauwau and had all the Colored Captive people gathered at the German Hotel - and heard our report - and we told him that we were former Slaves of the Cherokee Nation and some were from Missouri - We told him how we were brought to Mexico and Sold by the said Major Joel M Bryan of Confederate Service - as Peons to the Mexican Governor - and we told him our Conditions - which he was reported by him to Authority at Washington -

Six months afterwards two United States Officers from H Davis Texas - demanded us from the Mexican Government - We were released then by the Mexican Government and we came to H Davis on German Freight wagons where the U.S. Officers gave us Six Months Rations to travel over the plains to San Antonio Texas -

which place we reached after a Months travel.
I and my family were in San Antonio
three or four Years - My family was large
and the Children young and too Small
to help get Money to travel with to
pay Expenses - I was three Years in
Fayette County Texas - After raising Cotton
we made money and paid our way
to the Cherokee Nation -
I will further state that the reason why
we were not realesed sooner by the Mexican
Government, our Captor Major Joel M. Bryan
took the oath Of Allegiance to the French
Authority then ruling over Mexico -,
We returned home to our Cherokee Nation
soon as we could come after the War -
and have now been here about
twenty one Years - having drawn Money
twice in the Cherokee Nation - sharing in
the Cherokee Freedmans Cherokee Strip Money
and have now one hundred acres
of Cherokee land in Cultivation on
Caney ten Miles west from Talala -
and an orchard of apples and peaches -
which is my home - And I have made
this statement, appealing to the Hon Secretary
of the Interior to instruct the Commissioner
to the Five Civilized Tribes to Enroll
me as a Cherokee Freedman

with all of my family as Citizens of the Cherokee Nation with full rights with all of the Cherokee Freedmen who are legal Citizens—

Witness
Sarah Daniels
John Lorimore

Burl his X mark Daniels.

Sworn to and Subscribed before me this the 10th day of May 1902—
My term Expires
Jan 30 1905—

Joshua Ross
Notary Public

Burrel Daniels
P.O. Okla

To be filed with F-D-1089-Mack Daniels.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Craves, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace roll made by J. W. Wallace as shows th enrollment of Andrew Daniels and family as Cherokee Freedman and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of Seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace, on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith &. Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger,

Subscribed and sworn to before me this 6th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

To be filed with F-D-1089-Mack Daniels.

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(Signed) Arthur G. Croninger,

Subscribed and sworn to before me this 6th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

To be filed with F-D-1089-Mack Daniels.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
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MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith &. Cravens.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the same is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger,

Subscribed and sworn to before me this 6th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, the undersigned, being duly sworn, as stenographer to the Commission to the Five Civilized Tribes, do hereby swear that I made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Lucien S. Ostlund

Subscribed and sworn to before me this 8th day of August, 1902.

Bruce C. Jones N.P.

COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 8 1902

Issued D 890

[redacted] Tribes,
[redacted], May 21, 1902.

In the matter of the application of [redacted] for enrollment as a Cherokee Freedman.

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to admit the certified copy of the decree of the [redacted] Court [redacted] Lewis Whitmire, Trustee for [redacted] No. 17200, filed in the [redacted] Court of [redacted] toward in this case and the [redacted] case to the said case of the [redacted] necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Darrell Daniels, R 40;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a citizen of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all [redacted] the determination of the [redacted] citizenship. Fourth: [redacted] of a certified [redacted] in the same is [redacted] case.

[redacted] of the [redacted] will be [redacted] in the case of [redacted] reference is all the [redacted] and [redacted] by [redacted] Interior.

[redacted] the above named [redacted] for the appli- [redacted] and on the proof of any [redacted] of the [redacted] above referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 23, 1902.

F. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Burrell Daniels et al.----------Cherokee Freedmen R 40,
Andrew Daniels et al.----------Cherokee Freedmen D 861,
Lizzie Shafer et al.----------Cherokee Freedmen D 916,
Mary Hill et al.----------Cherokee Freedmen D 917,
Lizzie Haynes et al.----------Cherokee Freedmen D 941,
Mack Daniels et al.----------Cherokee Freedmen D 1089,
Thomas Daniels et al.----------Cherokee Freedmen D 1100,
Burrell H. Daniels----------Cherokee Freedmen D 1101.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Burrell Daniels, for himself and wife, Meranda Daniels, and minor child, Robert Daniels; by Andrew Daniels, for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Nasie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer, for herself; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arlena Shafer; by Mary Hill, for herself and minor child, Alice; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Adran Hill; by Lizzie Haynes, for herself and minor child, Edward Haynes; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Amos Haynes; by Mack Daniels, for himself and minor child, Mady Daniels; by Thomas Daniels, for himself and minor children, Mary, Louella and Julia Daniels; and by Burrell H. Daniels, for himself.

The evidence shows that the said Burrell Daniels and his wife, Meranda, together with their children, Nancy Daniels, now deceased, and Thomas Daniels, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they were taken out of the Cherokee Nation and did not return thereto until sometime after the year 1879; that the said Andrew Daniels was born during the war of the rebellion and came to the Cherokee Nation with his father and mother on their said return. All the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Burrell, Meranda, Thomas, Nancy or Andrew Daniels.

None of the names of said applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Burrell Daniels, Meranda Daniels, Robert Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Susie Daniels, Thomas Daniels, son of Andrew Daniels, Burley Daniels, Rosie Daniels, Minnie Daniels, Miranda Daniels, Ruth Daniels, Lizzie Shafer, Arizona Shafer, Mary Hill, Alice Hill, Adran Hill, Lizzie Haynes, Edward Haynes, Amos Haynes, Mack Daniels, Mady Daniels, Thomas Daniels, Mary Daniels, Lousilla Daniels, Julia Daniels and Burrell H. Daniels, as Cherokee Freedmen, should be denied under the previsions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. A. Bradley

Commissioner.

W E Stacey

Commissioner.

Muskogee, Indian Territory,

this JAN 18 1904

Department of the Interior
RECEIVED
NOV 18 1904
Enc No 9407
Indian Territory Division

Ency 101

DEPARTMENT OF THE INTERIOR.
MAY 10 1905
Returned with No. 5330
Inclosure 3 IND. TER. DIV.

— BEFORE THE —

Department of the Interior

WASHINGTON, D. C.

IN THE MATTER OF THE APPLICATION OF NUMEROUS CHEROKEE FREEDMEN FOR ENROLLMENT ON THE CHEROKEE ROLL.

BRIEF AND ARGUMENT FOR APPLICANTS.

Richard W. BLUE ~~& DULGER~~,

Attorneys for Applicants.

November 1, 1904.

MARRIS PRINTING CO., VINITA

Services accepted for the Cherokee nation & the concession to the five civilized tribes the 1st and the 2d of June 1902 respectively

— BEFORE THE —

Department of the Interior

WASHINGTON, D. C.

IN THE MATTER OF THE APPLICATION OF NUMEROUS CHEROKEE FREEDMEN FOR ENROLLMENT ON THE CHEROKEE ROLL.

BRIEF AND ARGUMENT FOR APPLICANTS.

Under and by virtue of the agreement made by the Cherokee Nation, as is evidenced by the 9th Article of the treaty made by and between that Nation and the United States on July 19, 1866, the freedmen of the Cherokee Nation claim certain property and political rights therein.

Property rights vested in a people under a treaty cannot be impaired, even by the abrogation of the treaty itself, 2 Wheat. 277, and 8 Wheat. 493.

When the rights which have become so vested that abrogation cannot impair them, are denied a people, the mode of securing them is for the political

department of the government, 148 U. S. 81. In fact the entire enforcement of a treaty is a political function, 112 U. S. 598.

A treaty is a contract, 119 U. S. 418. A treaty is a supreme law of the land, 143 U. S. 532. An Indian treaty is as much the law of the land as a treaty with a foreign power, 5 McLean 344, and courts cannot go behind them, when ratified, to inquire whether or not the tribe was properly represented by its head men, 9 Howard 366. Courts will not be permitted to make exceptions to treaties in construing them, 8 Wheat. 490.

The property and political rights claimed by the freedmen of the Cherokee Nation are those of "native Cherokees." The United States and the Cherokee Nation have provided for the extinguishment of the tribal government of the Cherokees; for the enrollment of all Cherokee citizens entitled to the rights of native Cherokees, and for the allotment of all of the lands of the Cherokee Nation to the persons thus enrolled.

The enforcement of treaties being a function of the political department, and it being a fact that many freedmen of the Cherokee Nation have been denied, by the Commission to the Five Civilized Tribes, by and through the effort of the Cherokee Nation, enrollment on the Cherokee roll, the said denied freedmen petition the Honorable Secretary

of the Interior to reverse said denials and to order such freedmen as were slaves of Cherokee citizens at the commencement of the rebellion, and were liberated by voluntary act of their former owners or by law, (or are the descendants of such slaves.) and who if born, were residents in good faith in the Cherokee Nation prior to June 28th 1898, to be enrolled as in their respective petitions prayed for.

In his opinion on the question of citizenship in the Cherokee Nation, Judge William M. Springer said:

"The subject of citizenship in the Cherokee Nation has occupied a large share of public attention in that Nation during the past twenty-six years. It has been the cause of numerous acts of legislation by the Nation and by Congress, also has entered largely into the administration of the Interior Department."

True, this question has occupied a large share of public attention. It is still attracting attention, and while such attention will soon be a matter of history, as the enrollment of citizens in the Cherokee Nation is now fast drawing to a close, it does not seem that this citizenship question has ever been thoroughly understood, and especially in regard to that class of persons, applicants for such citizenship, known as freedmen.

In order to understand this question in regard to the rights of freedmen in the Cherokee Nation, it is

necessary to examine into the history of those persons, and to learn upon what ground they base their claims to such citizenship.

HISTORICAL.

In the year of 1620, a Dutch ship from Guinea introduced into British America the institution of African slavery. For many years after its introduction, slavery was not as profitable as it became in the early part of the nineteenth century. When African slavery was first introduced the entire country was new to the white man. Most of the white men who were here at that time, had left their European homes on account of the differences of religious opinion, that existed between them and their rulers. It was in those days that the great "religious awakening" was rife among a large number of citizens of the old world. In 1498 the Cabots had visited the mainland of America. These were the first white men of whom we have an authentic account of having visited the continent. Between this date and the introduction of African slavery a number of colonies of Europeans came here so that they could "worship God according to the dictates of their own conscience." These people were very much opposed to the European system of government and the Roman system of worship. They had studied and prayed over this question of worshiping until they were what we would term

"religious fanatics." When slavery was introduced in 1620, the power of these people was supreme in America. They had no large farms, no factories, and but little in which they could profitably employ slaves. After the introduction of slavery, more emigrants came from Europe, and more slaves were brought from Africa. For many generations these people brooded over the question of worshiping. They had by means of superior intelligence and arms, forced themselves into a land already occupied. They had treated the aborigines in such manner as to be considered their enemy. They had deprived them of their "hunting grounds" and had gradually driven them from the Atlantic coast. During this interval their circumstances were such that a large per cent of them were void of that finer nature that leads one to have charity for the short comings of others. Their long and bitter struggle for supremacy over the aborigines, together with their conflicts with France, and their revolution against Great Britian, coupled with their mental condition caused by the study of the question of religion and their ambition to free themselves from what they considered the oppression of the home government, as well as the unprofitableness of slavery, caused many of them to be cruel and overbearing to those under their control, including their slaves. During this interval the number of slaves in

America increased very much. At the time of the war of the ~~rebellion~~ revolution the Cherokee tribe of Indians occupied what is now the states of Georgia and neighboring states. These Indians were not laboring under a fervor of religious and political revolutionary spirit. Their industrial condition was such that it was not difficult for them to do what work their social status required to have done. In fact, their women did most of the manual labor while the men occupied themselves in wars or in hunting.

These Cherokees were a powerful nation, comparatively speaking. They were considered the most intelligent tribe of Indians in America. This intelligence was not only characteristic of themselves, but was augmented by the presence of white men who intermarried with Indian women. During the interval between the introduction of slavery and the Revolution many slaves, the property of white men who resided in the colonies and states bordering on the Cherokee Nation, ran away from their white owners and became the property of the Cherokees. A few slaves were purchased by the Indians. The Cherokees made incursions into the white settlements and carried away many slaves. The industrial condition of the Cherokee Nation was such that it was more tolerable at that time to be a slave of a Cherokee than to be the slave of a white man. The Cherokees did

not require their young slaves to work until they had arrived at the age of 15 or 16, and then the work at which they put them was not arduous. But few of these slaves ever returned to their white owners. In this manner the Cherokees acquired the ancestors of the negroes who were their slaves in 1863.

During the war of the Revolution the Cherokees aided Great Britain in its endeavor to crush the revolutionary spirit of the colonies. The success of the colonies in this war made it necessary for the Cherokees to enter into a peace agreement with them. In the meantime these colonies had become a separate nation, and on November 28, 1785, the head men and warriors of the Cherokee Nation made their first treaty with the new Republic. In this treaty it was agreed that the Cherokees should return all the negro slaves and all other property taken by them from citizens of the United States during the ~~rebellion~~ revolution. They acknowledged all Cherokees to be under the protection of the United States of America and of no other sovereign whomsoever.

It was further agreed that "the hatchet shall forever be buried, and the peace given by the United States and the friendship re-established between the said states on the one part and all the Cherokees on the other, shall be universal."

But few of the slaves, mentioned, were ever returned.

It was easier for the delegates of the two nations to make agreements than it was for them to fulfill such covenants. The relations between the two nations remained such that on July 2, 1791, it was necessary for them to enter into another treaty of peace and friendship. Again did the Indians acknowledge themselves to be under the protection of the United States. At this time the Cherokees ceded to the United States certain lands, and the United States guaranteed to them "all their lands not hereby ceded."

Again did it appear somewhat difficult to induce the Cherokee Nation to abide by its agreement, and on February 17, 1792, the United States agreed to pay them annually $1,500.00 instead of $1,000.00 as agreed on July 2, 1791, in order to induce them to abide by their agreements.

It does not seem that the desired results had yet been attained in 1794, as again on the 26th day of June of that year the Chief and warriors of the Cherokee Nation and the United States being desirous "of re-establishing peace and friendship between the the said parties in a permanent manner, do hereby declare that the said treaty of Holston is, to all intents and purposes, in full force and binding upon said parties." and the United States in lieu of the above mentioned $1,500.00 agreed to give to the Indians "goods suitable to their use to the amount of $5,000.00 yearly."

It seems that on October 2, 1798, there was still a misunderstanding between the Cherokee Nation and the United States, as on that date a new treaty was entered into between them for the purpose "of re-establishing more fully the peace and friendship between the parties" thereto. In this treaty, peace and friendship was again "renewed, continued and declared perpetual," and the existing treaties between the two parties "were declared to be of full and operative force." In this treaty the Cherokees made another concession of territory to the United States and in consideration of this concession the United States agreed to give to the Cherokees "goods, wares snd merchandise to the amount of $5,000.00" and agreed to increase the annual payment of goods to the amount of $6,000.00.

In this agreement it was stipulated that "All animosities, aggressions, thefts and plunders prior to that day shall cease and be no longer remembered or demanded on either side." It seems to have been an easier matter to agree to forget animosities, etc., than to forget them, as on March 22, 1816, sufficient dispute existed between the two nations to warrant another treaty in which doubts about the boundary line were attempted to be settled, and again on the 14th of September of that year another treaty was made "to perpetuate peace and friendship * * and to remove all future causes of dissension which may arise from indefinite territorial boundaries."

On July 8, 1817, by a treaty stipulation it was agreed to take a census of the Cherokee Nation in June of 1818. This is the first provision for a Cherokee census of which we have an account. This census was never taken.

In 1808 the Cherokee delegates from the upper towns had declared to the president of the United States their anxious desire to ongage in the pursuits of agriculture and civilized life. They had also made known to the President of the United States the impracticability of inducing the Nation at large to do this.

The Cherokees in the lower towns desired to continue the hunter life, and as game was scarce in their country, they expressed a desire to move across the Mississippi to some unoccupied ground belonging to the United States.

The President of the United States permitted the Cherokees who desired to go west, to send an exploring party to reconnoitre the Arkansas and White river countries.

These Cherokees did explore these countries and made choice of them and settled themselves on land belonging to the United States.

In 1817 the United States traded to them some of its land where they had settled on the Arkansas and White rivers for the same number of acres in the old Nation. This was the first land the Cherokees owned west of the Mississippi.

The Cherokee census above mentioned was to be taken

to enable the two nations to definitely determine the amount of land to be exchanged. The Cherokee Nation found it too difficult and expensive to take the census as agreed in 1817, and by the treaty of February 27, 1819, agreed to bulk off and give to the United States what the parties might agree to be the number of acres exchanged by them.

On May 6, 1828, the United States agreed to possess the Cherokees and to guarantee to them forever seven million acres of land west of the Mississippi.

On February 14, 1833, the United States guaranteed to the Cherokees a perpetual outlet west, and the free and unmolested use of all the country lying west of the seven million acres already given them, as far as the sovereignty of the United States went.

On December 29, 1835, the Cherokee Nation having experienced difficulty with the white settlers in their eastern neighborhood, aud being desirous of reuniting their people, relinquished to the United States all their lands east of the Mississippi, and the United States agreed to convey to the Cherokees, and their decendants, by patent in fee simple, certain lands lying west of the Missippi, and agree to pay the expense of their removal to these lands.

The Indians agreed to remove to their new land within two years from the date of the treaty. A few of them

did not wish to go with the tribe and it was provided that they might remain.

In accordance with the provisions of this treaty, the greater portion of the Cherokees removed to their new Nation, and on December 31, 1838, President M. Van Buren gave to them a patent as provided in the previous treaties.

On August 6, 1846, a serious difficulty having arisen between the different portions of the Cherokee Nation, and as it was desired to settle such difficulty, the United States agreed that "the lands now occupied by the Cherokee Nation shall be secured to the whole Cherokee people for their common use and benefit, and a patent shall be issued for the same, including the eight hundred thousand acres purchased, together with the Outlet west." An effort was made to harmonize the Eastern and Western Cherokees. The Western Cherokees ceded to the United States what interest they had in the land east of the Mississippi, and their exclusive ownership of the land ceded by the treaty of 1833, together with the Outlet west, and agreed that said land, together with the eight hundred thousand acres ceded in 1835, shall be and remain the common property of the Cherokee Nation. Thus did the lands of the Cherokee Nation become the common property of the Cherokee people.

For many years after the second band of Cherokees came to what is now the Cherokee Nation serious trouble existed between what is known as the Western Cherokees and the Eastern band. This difference engendered a constant strife between these two people. The new crowd had among them many slave holders, holding the descendants of the slaves acquired as above mentioned. There was among this band many persons who were largely of Anglo-Saxon blood. It was this class that owned most of the slaves. Slavery had become a profitable institution among them. In 1861 when the southern states seceded and began the war of the rebellion, this class sided with them and all during the war aided them in their effort to perpetuate the institution of human slavery.

On October 7, 1861, these people had control of the political affairs of the Cherokee Nation and entered into a pretended treaty with the so-called Confederate states.

John Ross was Principal Chief of the Cherokee Nation at that time. Most of the full-blood Indians and many of the inter-married whites in the northern part of the Nation were opposed to this treaty. The Cherokees who favored the cause of the Confederacy organized and fitted out three regiments of soldiers to assist it in its war. Many of the Indians who favored the North enlisted in its cause. A bloody contest was waged in the Cherokee Nation all during the war.

No quarters were asked and none were given by either side.

The conditions in the Cherokee Nation remained in the most deplorable state until a sufficient number of United States soldiers came into the country to enable the Union element (Pinn Indians) to assume control of the national affairs. As soon as possible after this the National Council of the Cherokee Nation repudiated the treaty made with the so-called Southern Confederate States. This was February 18, 1863. At this time the Cherokee National Council emancipated all Cherokee slaves. Previous to this date, on January 1, 1863, President Lincoln, by emancipation proclamation emancipated all slaves held in the states and territories and parts of states and territories at that time in rebellion. This proclamation was purely a war measure and its force and effect did not extend beyond the limits above mentioned. So was the emancipation of the Cherokee National Council a purely war measure.

After the Federal element in the Cherokee Nation had acquired control of national affairs they were assisted in its retention by the United States troops. After their emancipation act of February 18, 1863, many freedmen in the Cherokee Nation were taken by the United States troops, as refugees, to the State of Kansas. Some of them were taken to the State of

Texas or into the Choctaw or Chickasaw Nations or into the Republic of Mexico, by their former owners, where they were held in slavery for some time. After the close of the rebellion it was necessary and expedient for the United States and the Cherokee Nation to enter into a new treaty. The Cherokees had violated their express agreement of July 2, 1791 "not to hold any treaty with any foreign power, individual, state, or the individuals of any state," by making the pretended treaty with the so-called Confederate states on October 7, 1861. By this act and the fact that they had assisted the southern Confederacy in its rebellion, the Cherokees had forfeited their right to protection from the United States. In 1865 the Confederacy ceased to exist. No longer was there a power on which the Cherokees could lean for protection from the punishment due them for having so grossly violated their treaty obligations with the United States. The United States being the victor in the then late war was in a position to, and did, name certain conditions under which a renewal of the former political relations between the two nations might be made, and to demand that such named conditions be accepted.

The Cherokee Nation had been a source of constant trouble to the United States ever since the war of the revolution. Again and again did these two nations enter

into treaty agreements, and again and again were these agreements broken by the Cherokees. At last the United States had patented to the Cherokee Nation of people, in fee simple, the land then included in the Cherokee Nation. Each citizen of the Nation had a common interest in their land with every other citizen. When this treaty was made on July 19, 1866, there was a number of persons who had been slaves of the Cherokee people and who had been liberated by voluntary act of their Cherokee owners or by law. Most of these slaves or their ancestors had come with the Cherokees from east of the Mississippi. Their education and environments had been such that they were not fitted to be a desirable class of citizens in the states. They were entirely illiterate and untrained in the ways of the white man. Their experience in the Cherokee Nation had been such that they were no more fitted to go into the states than were the Indians themselves. The United States had endeavored to have all of the Cherokees come west when the last band came. The United States provided certain conditions under which a few Indians might remain and become its citizens. But few Indians complied with these conditions. The Cherokee Freedmen were not more capable of becoming citizens of the United States than their masters. The United States knew of their condition and did not want that they should be forced upon the states. And then too, when the slaves were emancipated in the states they were given all the rights of

native born citizens of the United States, provided they had been born therein. The rights given to ex-slaves of citizens of the United States, who were born in the United States, are superior to the rights given to the naturalized citizens, in that a naturalized citizen is not eligible to the office of Chief Executive, while such an ex-slave is. The United States wanted that the Cherokees should give to their freedmen the same rights that they had themselves. The United States was in a position to compel the Cherokees to accede to its desires, and in the treaty in question, in accordance with the express wish of the United States the Cherokees agreed to give to their freedmen all the rights of native Cherokees.

WHITMIRE COMPROMISE DECREE.

The Court of Claims in the Whitmire case, decided on the 3rd day of February 1896, held that this phrase "all the rights of native Cherokees," meant what the plain import of the language used by the contracting parties designates, and held that the laws of the Cherokee Nation which attempted to restrict the meaning of this phrase were in derogation of the Constitution of that nation and in violation of the provisions and stipulations of the 9th Article of the treaty of July 19, 1866.

The construction of this phrase was the sole object of the institution of the suit which brought about this Whitmire decree. The United States had purchased the

"strip" of the Cherokee Nation. That Nation had in the years of 1886, 1890 and 1894 enacted laws restricting the distribution of its public money to citizens of the nation by blood. On October the 1st, 1890, congress granted to the freedmen of the Cherokee Nation permission to bring suit in the court of claims for their share of the Cherokee National fund. On May the 8th, 1895, that court had decided in favor of the freedmen, and had declared the laws of the Cherokee Nation, above mentioned to be unconstitutional and void as aforesaid. At that time the Court also confirmed the roll of Cherokee freedmen made by John W. Wallace in 1889, and provided that the money in the possession of the Cherokee Nation and in the possession of the United States as trustee for the Cherokee Nation should be paid to the freedmen whose names were upon that roll. The Cherokee Nation contended that the Wallace roll contained the names of many persons who were not entitled to enrollment. The freedmen contended that the Wallace roll did not contain the names of all the freedmen who were entitled to enrollment. After some difficulty, the parties litigant decided upon a compromise decree. In this compromise decree the construction of the phrase "all the rights of native Cherokees," remained the same as in the decree of May 8, 1895, but the Wallace roll was not confirmed. The parties litigant compromised on the 1880 roll, and agreed that the names of freedmen therein contained should be considered to be citi-

zens of the Cherokee Nation, and provided further for the appointment of a commission to make a new roll, which roll it was agreed should contain the names of all parties living and in being on the 3rd day of May, 1894, whose names were found upon the 1880 roll. On this Commission, the Cherokee Nation, the freedmen and the United ed States were represented. This Commission made a roll known as the Kerns-Clifton roll.

CURTIS ACT AND WHITMIRE DECREE.

On June 28, 1898, congress provided that the commission to the Five Civilized Tribes should make a roll in strict compliance with this compromise decree. The roll made under this decree, was made in such manner and under such conditions that it, in reason, ought to be considered final, as for as it goes. Congress most certainly intended it to be final to that extent, when it provided that the commission should make a roll in strict compliance with the decree under which it was made. This decree provided for the appointment of a Commission as above designated, and further provided that this Commission should "proceed to the Cherokee country and hear the testimony both for and against the identity of all freedmen, free colored persons, and their decendants, claiming to be entitled to share in the distribution of said $903,365, that may be offered by the respective parties to this suit * * * * * and no evidence shall be accepted by said Commission tending to disprove the citi-

zenship of any person whose name appears upon said roll," (the 1880 authenticated Cherokee roll). But nowhere in this decree do we find the construction of the 9th Article to extend further than to the construction of the phrase therein contained, namely: "All the rights of native Cherokees." Whatever else the court and the parties litigant did, was done only to assist the freedmen, free colored persons and their decendant to acquire the benefits of this construction.

DUTY OF COMMISSION.

In your Honor's instruction to the Commission to the Five Civilized Tribes, contained on pages 134 and 135 of the 10th annual report of that commission, you revoked your instructions on this subject of date November 23, 1899, and said: "It is your duty to make such roll, which shall include the names of all Cherokee citizens who are or were freedmen, who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and were residents therein at the date the treaty was made or who returned thereto within six months thereafter, and their decendants."

CURTIS ACT.

On June 28, 1898, Congress provided that "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claim citizenship."

CONCLUSION.

In the light of the above facts there is no question but that all Cherokee Freedmen who were liberated by voluntary act of their Cherokee owners or by law, and their descendants, are entitled to be enrolled on the Cherokee roll and are entitled to all the rights of native born Cherokees, provided, that they had removed to and in good faith settled in the Cherokee Nation prior to June 28, 1898.

PLAIN IMPORT OF LANGUAGE.

In support of this contention we submit that the plain import of the language used by the contracting parties in the Article in question, as well as the history of events which brought about such an agreement as is evidenced by that Article, warrants our construction.

TREATY PROVISIONS.

The particular sentence in this 9th Article, in which the Cherokee Nation agrees to give to certain persons certain rights is as follows:

"They further agree that all freedmen who have been liberated by the voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

A TREATY IS A CONTRACT.

This sentence is part of a treaty. A treaty is a contract in which nations or sovereigns or the contracting

parties. In this sentence the Cherokee Nation agrees to give to certain persons certain rights. What these rights are has been definitely determied as aforesaid by the Court of Claims in the case of Moses Whitmire, trustee for the Freedmen of the Cherokee Nation, vs. the Cherokee Nation and the United States, on February 3, 1896, (Court of Claims number 17,209), as follows: "And it appearing to the court that under the provisions of the 9th Article of the treaty of July 19, 1866, made by and between the Cherokee Nation and the United States, the said Freedmen, who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who had returned thereto within six months of said last mentioned date, and their descendants, were admitted into and became a part of the Cherokee Nation and entitled to equal rights and immunities, and to participate in the Cherokee National funds and common property in the same manner and to the same extent as Cherokee citizens of Cherokee blood."

PERSONS PROVIDED FOR.

The plain import of the language used by the contracting parties shows that five classes of persons are entitled to these rights, but who these persons are has never been determined by any court. The sentence itself designates who they are, they are:

1. All Cherokee freedmen who were liberated by voluntary act of their former owners; and

2. All Cherokee freedmen who were liberated by law; and

3. All free colored persons who were in the Cherokee country at the commencement of the rebellion, and were residents therein at the time the treaty was made; and

4. All free colored persons who were in the country at the commencement of the rebellion, but who were absent therefrom on the date the treaty was made, but returned thereto within six months from said date; and

5. The decendants of all freedmen and persons above mentioned.

That the above construction is correct, is evidenced not only by the plain import of the language used by the contracting parties, but by the history of the events that brought about such an agreement as is evidenced by the sentence in question.

The Cherokee Nation contends that the following classes of persons are entitled to these rights:

1. All freedmen, free colored persons, and their descendants, who were in the Cherokee country at the commencement of the rebellion, and were residents therein at the time the treaty was made, or who if absent therefrom on that date, returned thereto within six months from said date.

INTERPRETATION.

The above is intended to be a rational interpretation of the sentence in question. The object of an interpretation is to find out or collect the intention of the makers of the instrument, when such instrument appears to be obscure or ambiguous. When the plain import of the language used in the instrument does not express the intention of the contracting parties perfectly, but exceeds it, or falls short of it, so that we are to collect the meaning of such instrument from probable or rational conjectures only, rational interpretation is allowable, but in the case of Potter v. Berthelet (C. C.) 20 Fed. 240, the court said:

"If the language of the contract is plain and unambiguous, interpretation is not allowable to ascertain the intent of the parties thereto."

And in the case of Meigs v. McClung, reported in 9th Cranch, at page 11, the Supreme Court of the United States said, where an attempt was made to depart from the ordinary rules of construction in the determination of the force and effect of a treaty between the United States and the Cherokees, upon the idea that dealings between the United States and the Indians are of an exceptional character and call for a modification of the ordinary rules of construction, and where an attempt was made to give to the conduct of officers acting under the treaty the effect of an authoritative declaration of the intent of the treaty makers, that:

"The ordinary rules of construction apply to contracts between the United States and Indians, and the fact that agents of the United States took possession of land lying above the mouth of the Highwassee, erected expensive buildings thereon, and placed a garrison there cannot be admitted to give an explanation of the treaty which would contradict its plain words and obvious meaning."

And in case of Charles Journeycake, Principal Chief of the Delawares, vs. the United States and the Cherokee Nation, reported in the 155th U S., at page 196, where an attempt had been made to have the Court so interpret the contract between the United States and the Cherokee Nation made on July 19th, 1866, that contemplated the making of the individual Delawares members and citizens of the Cherokee Nation, that the status of such citizenship, and the rights secured by the contract of April 8th, 1867, between the Cherokees and the Delawares, would be of a restricted character, and after the Court of Claims on April 3rd 1893, had decreed that no such restriction was provided for, and that the Delawares were entitled to equal rights with the Cherokees—entitled to the same rights as native born Cherokees, the Supreme Court in affirming the above mentioned decree said:

"Commenting generally upon this line of argument, it is rather an endeavor to induce the court to

reconstruct the contract and frame a new one more in accord with what from the present standpoint would seem to have been equitable, than to interpret the contract which the parties made in accordance with the plain import of the language which they used."

It will be observed that this comment is made by the Supreme Court while considering a case similar to the ones now in question, and a case which grew out of this same treaty of July 19th, 1866. It will also be observed that the Supreme Court in thus commenting upon this treaty held that it was not ambiguous in its construction or inexpertly drawn.

Cooley in his work on Constitutional Limitations says:

(*59) "In interpreting clauses we must presume that words have been employed in their natural and ordinary meaning. Says Marshall, Ch. J.: 'The framers of the constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have understood what they meant.' This is but saying that no forced or unnatural construction is to be put upon their language; and it seems so obvious a truism that one expects to see universally accepted without question; but the attempt is so often made by interested subtlety and ingenious refinement to induce the courts to force from these instruments a meaning which their framers never held, that it frequently becomes necessary to re-declare this fundamental maxim."

Black in his work on Constitutional Law, on page 65, says:

"Where the meaning of the constitution shown on the face of the words is definite and intelligible,

the courts are not at liberty to look for another meaning even though it should seem more probable or reasonable, but they must assume that the constitution means just what it says. When the words employed, taken in their ordinary sense and in the order of their grammatical arrangement, embody a definite and sensible meaning, which invites no conflict with the other parts of the same intrument, then that meaning there apparent upon the face of the instrument is the only one that is presumed to have been intended and there is no room for construction.* * * When the text of a constitutional provision is not ambiguous, the courts, in considering it, are not at liberty to search for its meaning beyond the instrument itself."

In 1868 the Supreme Court of Nevada in the case of Rankin vs. The New England & N. Silver Mining Co., reported in the 4th Nevada at page 78, said:

"Where there is no apparent ambiguity in a contract, the court cannot go beyond it for intentions not expressed. * * * Where there is no apparent ambiguity in a contract, words must be taken at their usual significance in the contract, when in accordance with grammatical rules."

In 1881 the Supreme Court of Illinois in the case of Stettaur vs. Hamlin, reported in the 79th Ill. at page 312, said:

"Courts give effect to all written instruments according to the ordinary, popular meaning of the terms employed, where nothing appears to show that they were used in a different sense, and no unreasonable consequences will result in so doing."

In 1873 the Supreme Court of Iowa, in the case

of Cash vs. Hinkle, reported in the 36th Iowa, at page 623, said:

"Where it does not appear that the language used in an instrument is used in a new or technical sense, a contract will be construed according to the established rules of language as applied to the subject matter."

In 1873 the Supreme Court of Mississippi in the case of Goosey vs. Goosey, reported in the 40th Miss. at page 210, said:

"It is a cardinal rule in the construction of a written instrument to give the words their ordinary and grammatical meaning."

Courts must interpret treaties according to their terms, 161 How.. 657.

Since the courts have decided that where a contract is not ambiguous interpretation is not allowable, and that no forced or unnatural construction is to be put upon their language, and where there is no apparent ambiguity in the contract, words must be taken at their usual significance in the contract, when in accordance with grammatical rules, and that it is a cardinal rule in the construction of written instruments to give to words their ordinary and grammatical meaning, and since the Supreme Court of the United States has held that this treaty is not ambiguously or inexpertly drawn, and that the ordinary rules of construction are to be recognized in the analysis of contracts between the United States and the

Indians, and since the U. S. Court has decided that a treaty is a contract and must be interpreted according to its terms, and since the true meaning of this sentence in this treaty is in dispute, it is but necessary to analyze it in accordance with the ordinary grammatical rules, in order to ascertain the meaning of the contracting parties, therein expressed.

ANALYSIS.

The sentence in question is:

"They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

The analysis of this sentence, in accordance with ordinary grammatical rules, shows that it is a simple declarative sentence, of which the pronoun, "they," is the subject, and of which the transitive verb, "agree," is the predicate. This verb "agree" is modified by the adverb "further," and by the complex substantive clause, "all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have

all the rights of native Cherokees." This clause is joined to the verb "agree" by the introductory conjunction "that," and is the objective modifier of that verb.

The nouns, "freedmen," "persons," and "descendants," together with their modifiers, constitute the compound subject of this clause.

"Freedmen," the first member of this compound subject, is modified by the adjective "all," and by the adjective clause, "who have been liberated by voluntary act of their former owners or by law." This clause modifies the noun "freedmen," in such manner, that when taken together with Article 4, of this same treaty, designates what freedmen are referred to by the contracting parties, and as there is no contention in regard to its use in this sentence, no further reference will be made to it at present.

"Persons," the second member of this compound subject, is modified by the adjective "all," by the phrase "free colored," an adjective, and by the compound adjective clause, "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months." That this clause modifies the noun "persons," and that noun alone, is evidenced by the fact that the word "persons," and its representative "who" are not separated from each other by a comma, and that this

word "persons," is separated from the preceding noun subject of this substantive clause, not only by a comma, but by the conjunctive phrase "as well as," thus showing that it is one of the members of a compound subject, and that while it is of equivalent force and effect in the sentence with the other members of the compound subject, its modifiers, not separted from it by a comma, are of a character purely personal to it, and do not extend their modifying influence to any preceding member of this subject.

The relative pronoun "who," the subject of the first member of this compound adjective modifier, represents its antecedent "persons," and joins to it the limiting clause of which it is the subject. The relative pronoun "who" the subject of the second member of this compound adjective clause, is preceded by the conjunction "or," which conjunction is preceded by a comma. Under the ordinary rules of construction, when the conjunction "or" is preceded by a comma, it shows that the clause preceding it and the one following it are equivalent. Things that are equivalent are equal to each other. Things that are equal to each other are equal to the same thing. Since the pronoun "who," the subject of the first member of this compound adjective clause, represents the noun "persons" and that noun alone, and joins to it the limiting clause of which it is the subject, and since the second member of this compound adjective clause, is the equivalent to the

first member, its subject "who," represents the noun "persons," and that noun alone.

"Descendants" the third member of this compound subject, is modified by the possessive pronoun "their," and is separated from the two preceding members of this compound subject by a comma, and the conjunction "and," thus showing that the descendants mentioned, are the descendants of the two classes of persons mentioned, preceding this comma.

The transitive verb "shall have" is the predicate of this complex substantive clause, and is modified by the noun "rights," an objective element. This noun is modified by the adjective "all," by the article "the," and the prepositional phrase "of native Cherokees."

The analysis of this sentence shows that it was constructed by parties skilled in the art of punctuation, and that the meaning of the parties is clearly expressed therein.

Section 783 of the compiled laws of the Cherokee Nation of 1893, reads as follows:

"All words and phrases used in the statutes of this Nation shall be construed according to their common and ordinary acceptation and meaning; but technical words and phrases shall be construed according to their technical meaning, as established by the profession using them."

This is the general rule in all nations.

Words represent thought. Written words and punctuation marks are the ordinary means of recording thought. The art of recording thought has been reduced to a science.

This science is known as grammar. In recording thought, words are the most usual evidence of intent. Punctuation but aids in ascertaining the true meaning.

It is true as the Supreme Court of the United States well said, in the case of Ewing vs. Peters, reported in 11th Peters, (U. S.), page 54:

"Punctuation is a most fallible standard by which to interpret a treaty."

It is also true as the Supreme Court of Nevada said in the Rankin case:

"Where there is no apparent ambiguity in a contract, words must be taken at their usual meaning when in accordance with grammatical rules."

The Supreme Court of Alabama in the case of Lively vs. Robbins, reported in the 39th Ala., at page 461, held:

"Where a contract appears to have been drawn by parties unskilled in the use of language, greater latitude of construction is permissible in arriving at the intention of the parties."

The same court in the case of Seay vs. McCormick, reported in the 16th Ala., at page 549 held:

"When a contract has been inartistically drawn, without the use of any marks of punctuation, they may be supplied by the court so as to best effectuate the intention of the parties."

The Supreme Court of Pennsylvania, in the case of White vs. Smith, reported in the 75th American Decisions, at page 589, held:

"Words are the most usual evidence of the intent. Punctuation may aid in ascertaining the true meaning, but a writing may be read and interpreted without such aid."

It seems that the fallibility of punctuation is based on the prevalence of clerical and grammatical errors made by persons unskilled in the use of language, and the desire of the courts not to permit false English and irregular arrangement to defeat the intention of the contracting parties.

While the art of punctuation is not generally thoroughly understood, and while the lack of such a general knowledge constrains the courts to hold that punctuation is a fallible means by which to interpret a contract, when an instrument shows on its face, that it was framed by parties proficient in the art of punctuation, it will be interpreted as originally constructed.

That this sentence, in question, is not one of the class referred to by the courts, when they hold that punctuation is a fallible means by which to interpret a writing, is clearly disclosed when we note the reason for such a holding, by the courts, and the nice grammatical construction observed by the contracting parties in its composition.

In the construction of this sentence, in question, no false English or irregular arrangement is apparent. The intention of the contracting parties is not obscure or ambiguous. The composition is such that the meaning of the parties can only be ascertained by adhering to what the Supreme Court of Vermont designated as "nice grammatical construction."

The Supreme Court of Alabama, in the case of Williams vs. Glover, reported in the 66th Alabama, at page 198, said:

"To ascertain the intention of the parties in making a ntract, it is permissible to look at the result of the differ- t constructions to which it is susceptible."

If it be held that the construction contended for by ur applicants is not proper, but that the interpretation ntended for by the Cherokee Nation is to be allowed, in olation of all the rules of grammar, and if it is permissi- to look at the result of the different constructions to ich this sentence is susceptible, under the same pre- nded irregular arrangement, such an observation dis- oses that the construction contended for by these appli- nts is the only one that is based on reason.

In the construction of this sentence in question, it is served that no comma is inserted between the noun reedmen" and its representative "who." That the ause of which this pronoun is the subject, modifies the oun "freedmen," and that noun alone, not even the herokee attorneys will dispute.

If a comma were inserted between the noun "freed- en" and the pronoun "who," and if the comma were mitted from between the noun "law" and the con- nctive phrase "as well as," and if one were inserted etween the noun "persons" and its representative "who," he meaning of this sentence would appear to be other han its present construction shows. Such punctuation ould be a fallible means by which to interpret this sen- ence. In a case of this kind, the presence of the comma etween the noun "freedmen" and its representative "who"

would have to be ignored, as its effect, if recognized, would carry the modifying influence of the clause, of which it is the subject, back to the pronoun "they." This construction would be unreasonable, yet it is just as reasonable and proper to carry the modifying influence of this adjective clause back to the subject of the sentence, as it would be reasonable and proper to insert a comma between this pronoun and its antecedent. Both would be flagrant violations of the ordinary rules of grammar; it would be an unreasonable interpretation. The law does not admit of unreasonable interpretations. The omission of the comma from between the noun law and the phrase "as well as," would be but a meaningless mistake, and would have the same effect on the meaning of the sentence as the use of improper orthography, while the presence of a comma between the noun "persons" and its representative "who" would cause the sentence to be ambiguous, inasmuch as its presence might, or might not, carry the modifying influence of the clause following it back to the noun freedmen. This uncertainty would be caused by the existence of the comma between the noun "freedmen" and its representative "who." In interpreting a sentence so constructed, the courts would no doubt, consider the fallibility of punctuation, and treat the existence of this comma as but an evidence of a lack of knowledge or care on the part of the contracting parties. But if a comma were inserted between the noun "persons," and its representative

"who," and there were no comma between the noun "freedmen," and its representative "who," the clause of which this pronoun is the subject would be considered as the modifier of all preceding members of the compound subject of this substantive clause. The fact that no such errors are apparent in this composition is evidence of the learning of its authors, and while such evidence is a recommendation for their proficiency in the art of constructing sentences, it does not demonstrate such proficiency more clearly than the omission of the comma from between the words free and colored. In this sentence the word "colored," a descriptive adjective, modifies the noun "persons". The word "free," is also a descriptive adjective, but is here used to modify the adjective "colored," as well as the noun "persons," and in such modification has an adverbial effect. If a comma had been inserted between these two adjectives, as is ordinarily done when several adjective modifiers are written in succession, two classes of persons would be represented by this word "persons"—one free and the other colored. The way this sentence is constructed, but one class is named, and that class must not only be free but must be colored as well.

Thus far these applicants have dealt largely with the elementary principles of grammatical construction, which are studied in every grammar school in the land; but since such a gross injustice has been permitted to be done the freedmen, and their descen-

dants, in the Cherokee Nation, and since such an injustice is but the result of the misconstruction of the treaty of July 19, 1866, and since such a misconstruction is but the result of a violation of these elementary principles, your applicants respectfully challenge your honor's attention to these violations and ask your consideration of the same.

As above set out, the plain import of the language used by the contracting parties, when taken in accordance with ordinary grammatical rules, shows that the meaning of this sentence is not obscure or ambiguous, and that no unreasonable consequences will result from the enforcement of the agreement made by the Cherokee Nation on July 19th, 1866.

That ordinary and grammatical construction must be applied to contracts between the United States and the Cherokees, is a cardinal rule.

Heretofore the Cherokee Nation has endeavored, and with success, to induce the Commission to give this sentence an unwarranted interpretation. If such an unwarranted violation of the ordinary rules, by which the intention of the contracting parties is ascertained, is permitted by your honor, it will be but the reconstruction of the contract which the parties made, and the framing of a new one more in accord with what from the present standpoint would seem to be to the best interest of the Cherokee Nation, and not

the interpretation of the contract which the parties made, in accordance with the plain import of the language which they used.

As Justice Cooley says, Ch. J. Marshall's assertion that the framers of the constitution, and the people who adopted it must be understood to have employed words in their natural sense, and to have understood what they meant, is but saying that no forced or unnatural construction is to be put upon their language; and it seems so obvious a truism that one expects to see universally accepted without question; but the attempt is so often made by interested subtlety and ingenious refinement to induce the courts to force from these instruments a meaning which their framers never held, that it frequently becomes necessary to re-declare this fundamental maxim. In these cases at bar, interested subtlety practiced by the Cherokee Nation has made it necessary to re-declare this fundamental maxim.

A national constitution is a contract in which the people of a nation are the contracting parties. A treaty is a contract in which nations or sovereigns are the contracting parties. The fundamental maxim referred to by Justice Cooley applies to all classes of contracts.

NO TIME LIMIT.

If the judgment of the several courts and authors

above mentioned, be worthy of consideration, and if it be true that the meaning of this sentence in question, is not obscure or ambiguous, no time limit, is imposed upon the return of freedmen who were slaves of a Cherokee citizen at the commencement of the rebellion, and who left the Cherokee Nation during the rebellion, but if it be held that the meaning of said sentence is obscure or ambiguous, and that it is susceptible of more than one interpretation, then that one most favorable to the promisee must be given it, and no time limit will be placed upon them.

AMBIGUOUS CONTRACTS.

In this sentence the Cherokee Nation is the promisor and the United States is the promisee. The Cherokee Nation promised the United States that it would give to the freedmen certain rights. If the contract in which these rights are promised, is of such a nature that the identity of these freedmen is uncertain, and it is necessary to interpret that contract in order to ascertain the identity of the freedmen to whom these rights are given, that interpretation most favorable to the United States must be given it.

Potheir, in his excellent treatise on obligations, says:

"In case of doubt, a clause ought to be interpreted against the person who stipulates anything."

In 1832 the Supreme Court of Delaware in the case of Randall vs. Chesapeake & D. Canal Company, 1st Har. 151, and in 1833 the Supreme Court of the state of Louisiana, in the case of Sorbe vs. Merchants Ins. Co., reported in the 6th La., 185; and the Appellate Court of the state of Illinois in the case of Schmohl vs. Fiddick, reported in the 34th Ill. App., in 1889, held:

"Where either of two constructions may be applied to a contract, the one most favorable to the promisee will be adopted."

In 1839 the Supreme Court of Alabama held:

"A contract is to be construed most strongly against the party stipulating for the payment of a debt or the performance of a duty."

In 1881 the same Court said:

"A contract should be construed most strongly against the party who gives or undertakes or enters into an obligation."

In 1873 the Supreme Court of Illinois said, in the case of Massie vs. Belford, reported in the 68th Ill., 290:

"If a contract contains ambiguous words, they are to be construed most strongly against the promisor, since he is presumed to have chosen the expression of doubtful meaning."

In 1867 the Supreme Court of New York in the case of Gifford v. First Presbyterian Soc. reported in 56 Barb. 114, said:

"In construing a covenant on restriction, where

there is doubt or ambiguity, it must be most favorable to the party in whose favor the covenant on restriction is made, and most strongly against the party bound."

Thus we see that the courts of the states of Delaware, Louisiana, Alabama, New York and Illinois and the great law writer Potheir, hold that when a contract is ambiguous, it is to be construed most strongly against the promisor. This rule of construction is so general, and well recognized in all jurisdictions, that we will make no further reference to it, more than to say that it is only to be used where the language of an instrument will admit of either of two or more interpretations. Falley vs. Gilles, 29th Indiana, page 114.

The language used in this 9th Article of the treaty of 1866, is such that it will admit of but one meaning. That meaning is the one contended for by these applicants. That is that the six months clause modifies "free colored persons," and "free colored persons," alone.

WHAT BOTH AGREE.

If we examine into the law further, we find that when it becomes necessary and proper to interpret a contract, such interpretation must be made in the

sense in which the promisor knew, or had reason to know, that the promisee understood it.

Clinton v. Ramsey, 20 Ill. App. 577;
Chicago Wharf and Storage Co. v. Street, 54 Ill. App. 569;
Farley v. Pettis, 5 Mo. App. 262;
Tallcot v. Arnold, 61 N. Y. 616;
Chamberlin v. Plainsville & H. R. Co. 15 Ohio St. 225;
Gunnison v. Bancroft, 11th Vermont, 490;
Jordan v. Dyer, 34th Vermont, 104;

And that it is a well recognized maxim that the meaning of a contract does not depend upon what either thought, but upon what both agreed,

Metropolis Nat. Bnk. v. Kennedy, 84th U. S. 19;
Benziger v. Miller, 50 Ala. 206;
Knapp v. Simmons, 49 N. Y. Super. Ct. p. 17;
Brenhild v. Freeman, 77 N. C. 128;

And that when a contract must be interpreted, its meaning is determined by the words and acts of the parties, and not by what was their secret intention or understanding,

Nichols v. Mercer, 44 Ill., 250;
Kelley v. Bradford, 6 Ky. 317;

And that in the interpretation of a contract, the courts will not presume that the parties did not understand their plain and legal import,

Toylett v. Gill, 30 Ky. 432;

And that a contract is binding upon the parties in

the sense in which it was mutually understood by them at the time it was made,

The Ada, Fed. Cas. No. 38;

And that the reason for which a contract was made does not change its nature,

Peet vs. Morgan, 6 Mart. (U. S.) 580;

And that in interpreting a contract it will not be presumed that either party intended to impose absurd or impossible conditions.

The contract must be construed as the parties must be supposed to have understood it at the time of its execution,

Clay vs. Ballard, 41 *Amer. Dec.* 328;

And that contracts are to be construed according to the intention of the parties expressed in them,

Bronson vs. Green, Walk Ch. 56;

And that the law will presume that a person meant what his language, by its terms, and under the circumstances in which it was used, would be fairly understood to mean; and this presumption cannot be rebutted by proof that he intended something more or different, which he made no attempt to express, and which a person dealing with him neither understood nor had reason to understand,

Clark vs. Little, 39 *Vermont*, 405;

And that a contract is to be construed according to the intent of the parties thereto, and by looking at all

of the provisions of the instrument, and not one alone, but if the language of the contract is plain and unambiguous, interpretation is not allowable to ascertain the intent of the parties thereto. If it admits of more senses than one it will be interpreted in the sense in which the promisor had reason to suppose it was understood by the promisee,

Potter v. Berthelt, 20th Fed. 240.

HISTORICAL LESSON.

If a contract is to be interpreted in the sense in which the promisor knew or had reason to know, that the promisee understood it, and if the meaning of a contract depends upon what the parties agreed, and if such meaning is to be ascertained by the acts of the parties, and if the courts will not presume that parties did not understand their covenants according to their plain and legal import, and if it is permissible to look at the reason for the contract, and if courts will not presume that the parties intended to impose an absurd or impossible restriction, and if it will be presumed that the parties meant what they said, and if a contract or treaty must be construed in the light of the contemporaneous surrounding circumstances and events (140 U. S. 475) since the Cherokee Nation contends that it did not mean what it said in the treaty of July 19th, 1866, but intended to and did impose an

impossible restriction upon its freedmen, it is but necessary to look into the history of events that caused such an agreement as is evidenced by this 9th Article to be made, and as set out in the preceding pages of this book in order to clearly understand the meaning of the parties expressed herein.

RIGHTS REGARDLESS OF TREATY.

So much for this agreement of July 19, 1866. If we look further into the law we find that these Cherokee freedmen are entitled to all the rights of native Cherokees even if no express agreement had been made by the Cherokee Nation as above mentioned.

Freedmen, prior to their emancipation were chattels, they were the personal property of their owners, and were entitled to no more or different protection, under the law, than other species of personal property. After being emancipated they were amenable to the laws of their locality and were entitled to its protection.

Slaves of a citizen of a nation when liberated by that nation are admitted into and become a part of that nation without further provision than the mere act of emancipation.

Slaves of Cherokee citizens upon being emancipated by Cherokee law became subjects of the Cherokee government. Public policy commands this. The laws of all nations recognize it. There was no

provision in the law emancipating them, to the contrary. Governments are instituted among men for the protection of the governed. Human nature is such that protection is a necessity.

The citizens of the Cherokee Nation held title to all of the land included in that nation under and by virtue of grants given it by the United States. The citizens of the Cherokee Nation had property and political rights peculiar to their semi-socialistic political status. When they emancipated their slaves unconditionally, as they did, they admitted them into all the property and political rights to which citizens were entitled.

In view of the above, the Freedmen are clearly entitled to all the rights of native Cherokees, regardless of the agreement made on the part of the Cherokees on July 19, 1866. They are entitled to all the rights of native Cherokees.

NATIVE CHEROKEE.

What is a native Cherokee? A native of a country is a person born in that country. Race, color or previous condition of servitude are not conditions precedent to nativity. A native of England is one born in that country. A native of the United States is one born in the United States. A native of the Cherokee Nation is one born in the Cherokee Nation. Blood

is not prima facie evidence of nativity. Nativity is a question of fact, not of blood. If this were not true a large majority of the ruling element in the Cherokee Nation would not be entitled to the rights of native Cherokees, as the preponderance of Anglo-Saxon blood in their veins is such that it is impossible to distinguish one of their class from a native of New York, England, Ireland, Germany or France.

CLAUSE IS SURPLUSAGE.

It is contended by the representatives of the Cherokee Nation that the six months clause in the 9th Article of the treaty of July 19, 1866, modifies the noun *freedmen* as well as the noun *persons*. They further contend that at the commencement of the rebellion there was in the Cherokee country no free colored persons. According to their contention this whole clause in regard to free colored persons is surplusage, as there were no such persons in the Cherokee country at the commencement of the rebellion. The very fact that this provision was made by the Cherokees in 1866 for this class of persons is prima facie evidence of the fallibility of the contention made by the Cherokee representatives.

FREE COLORED PERSONS.

Free colored persons were not slaves at the commencement of the rebellion. They were citizens of

the United States who had gone into the Cherokee country for their own personal gain. The Cherokees owed them nothing. The Cherokees often tried to rid their country of this class of persons and even went so far as to enact laws in 1859 or 1860 which provided that unless these free colored persons attach themselves to some Cherokee and became in fact his slave they must remove from the Cherokee Nation. The emancipation laws of the Cherokee Nation of February 18, 1863, in no wise affected these persons. All acts of the National Council, prior to July 19, 1866, in reference to these free colored persons had been intended to be to their detriment. In fact such laws had become so obnoxious to them that at the time of the rebellion there were but about 16 free colored persons in the Cherokee Nation. And even some of this number were not in the nation on July 19, 1866. The persons who constituted this class were considered more intelligent and industrious than the slaves and it was thought that their presence in the country after the war would be of material assistance to the freedmen to enable them to learn the art of caring for themselves. These persons were looked upon as individuals who could and would have a sort of missionary effect on the freedmen. In 1835 the Cherokee Nation stipulated that the treaty then made between the Cherokee Nation and the United

States was not intended to prevent the residence among them of useful mechanics, farmers and teachers for the instruction of the Indians according to treaty stipulations. It has never been the policy of the Cherokee Nation to prevent such people from residing among them. The Cherokees had not desired the presence of these free colored persons during slave times. To induce these free colored persons to remain among the ex-slaves it was thought to be necessary to offer them some inducement, and as the number of free colored persons who resided in the Cherokee Nation in 1866 was less than the number who were in the country at the commencement of the rebellion, and as it was considered desirable that such persons as constituted this class should be induced to take up a permanent abode in the Cherokee country it was provided that:

"All free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

PURPOSE OF CLAUSE.

This six months limit was placed upon the return of these persons to protect the Cherokee Nation from colored persons who might move into the country so long after the date of the treaty that it would be difficult for the nation to prove that they were not

in the country at the commencement of the rebellion, but were false pretenders. No such difficulty was expected from the freedmen. They had been with the Cherokees so long that their identity could be ascertained to a certainty, most of the older freedmen had come with the Cherokees from the old nation. Most of the younger ones were the descendants of such slaves. All of the freedmen had been the recognized personal property of the Cherokees. Their former owners knew that these facts would make the possibility of a successful false pretension on their part improbable, and then too the United States demanded that this agreement be made, and the Cherokees feared if they did not make it the United States would take away from them their tribal government.

So much for the construction of the sentence in question, and for the history of events that brought about the agreement as is evidenced therein.

CONTEMPORANEOUS UNDERSTANDING.

Now let us look into the understanding that was had by the Cherokees themselves, when this treaty was made.

As early as 1849 the the Federal Court (Ada, Fed. Cas., No. 38,) held that a contract is binding upon the parties in the sense in which it was understood by them at the time it was made.

At the time this treaty was made John Ross was

principal chief of the Cherokee Nation. He was also principal chief when the pretended treaty was made with the so-called Southern Confederate States, and when they repudiated that treaty and emancipated their slaves. He was with the delegates of the Cherokee Nation in the city of Washington when this 9th Article was being discussed. He was quite ill at that time. The original draft was read to him while he was confined to his bed. He disapproved of this 9th Article and refused to sign the treaty unless it was stricken out, because he thought this Article imposed too great a burden upon the Cherokee Nation. It was said by one of the Cherokee delegates that he, John Ross, lived twenty days longer than he would have survived, if he had not been so opposed to this Article. However, James M. Daniels, Smith Christy, White Catcher, S. H. Benge, J. B. Jones and Daniel H. Ross, delegates of the Cherokee Nation did sign it, and it became a law in spite of the protest of Chief Ross.

DID PAY THE PRICE.

These parties recognized the necessity for a treaty with the United States. They recognized the helplessness of the Cherokee Nation and were willing to and did pay the price demanded by the United States for the amnesty therein granted.

VALUE OF RIGHTS.

At that time land in the Cherokee Nation was of little apparent value. The right to the Cherokee public domain

and common property was not considered of such importance as it has since become. In fact, conditions were such that to give to Freedmen all the rights of native Cherokees was not generally considered burdensome.

Since that time the rights thus granted have become of great value. The final division is now to be made, and the blood citizens of the Cherokee Nation appreciate this value and are trying to deprive these freedmen and their descendants of the property rights the United States forced the Cherokee Nation to expressly give them on July 19, 1866.

FULL-BLOODS.

True there were many full-bloods and some inter-married whites who were in favor of this provision. This class of Cherokees emancipated the Cherokee slaves by Act of the National Council on February the 18th, 1863. This class of persons endeavored to keep the Cherokee Nation neutral during the war of the rebellion. This class of persons repudiated the treaty made by the above mentioned class with the Southern Confederacy on October 7, 1861. This was the class that recognized the fact that the United States was in a position to make the Cherokee Nation do as it demanded. This was the class that feared that unless the Cherokee Nation acceded to the demands of the United States, and gave to all freedmen and their descendants all the rights of native Cherokees, the United States would take away the tribal government from the Indians and

make the Cherokee Nation to be a territory of the United States. For these reasons the Cherokees did give the rights which they now deny.

HISTORY SHOWS.

A study of the history of the Cherokee people shows that it is this disposition to agree, and to not do as they agree, that made it necessary for the United States to enter into so many, many treaties with them.

The disposition they now evince is not to do as they agreed to do, July 19, 1866.

DOMICILE.

On March 22, 1904, Honorable Frank Campbell, Assistant Attorney General of the United States in compliance with the request made by your Honor, rendered an opinion on the question of domicile. This opinion has been apparently overlooked by the Commission.

To this particular matter in issue the question of domicile is important only in so far as it applies to all citizens of the Cherokee Nation.

On June 28, 1898, Congress provided: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

This provision was intended to apply to all persons who claimed the rights of native Cherokees. It was intended to apply to such persons only, as had previous

thereto been domiciled in the Cherokee Nation, and to the descendants of such persons. It was the object of this act to restrict the rights of citizenship to those persons who had in fact, had a domicile in the Cherokee Nation prior to June 28, 1898, and to their descendants.

The freedmen who were slaves of Cherokee citizens at the commencement of the rebellion, and who were liberated by voluntary act of their Cherokee owners or by law, and who now apply for enrollment on the Cherokee roll, and whose applications have been rejected by the Commission to the Five Civilized Tribes, were taken out of, or went out of the Cherokee Nation, during the war of the rebellion, for the purpose of personal protection and preservation. As above set out the condition of society was such in the Cherokee Nation at that time that it was impossible for these freedmen to remain there with safety. And then too, the industrial condition of that nation was such that these people, all of whom were very poor, could not sustain themselves and their families in that country at that time. When they were taken out of, or went out of the Cherokee Nation under the conditions above named they did not lose their domicile in that nation. The Cherokee Nation was their home, their domicile, regardless of the fact that their residence was elsewhere.

Domicile is one of the conditions precedent to the rights of citizenship. Residence is not. The Supreme Court for the Northern District of New York in its decis-

ion rendered August 26, 1899, in the matter of the bankruptcy proceedings against Fred D. Elisdell, said:

"One may have a domicile at a place from which he is absent most of the time. While residence imports continuous presence. Domicile may be in one state and residence in another. A man can have but one domicile, but may have several residences." True the "place of residence is prima facie evidence of domicile, unless there is some motive for that residence not inconsistent with a clearly established intention to retain a permanent residence in another place."

PHYSICAL PRESENCE.

The reason for the removal of these freedmen from the Cherokee Nation is clearly inconsistent with an intention to remain away. When they did leave the Cherokee Nation they did not become citizens of any other state or nation. They did become residents, but the reason for such residence, and the fact that they did not attempt to become citizens of the United States is prima facie evidence of the fact that their domicile remained in the Cherokee nation. As declared by the Honorable Assistant Attorney General, Frank Campbell, physical presence is not a requisite of domicile.

LANGUAGE OF PARTIES.

At the time this treaty was made, both parties thereto knew that many of the freedmen of the Cherokee Nation were not at that time residents therein. And when they used the following language. "They further agree that all freedmen who have been liberated by voluntary

act of their former owners or by law, * * * * and their descendants, shall have all the rights of native Cherokees." They did it with a knowledge of all these facts, and did not provide a time limit for the return of freedmen absentees.

Physical absence from a country alone will not deprive one of his citizenship rights, unless there is an express stipulation in the laws of the country to that effect. It will not be contended that a blood Cherokee citizen would lose his right in the nation by being physically absent for a limited or indefinite period. If a blood Cherokee would not loose his citizenship right by being physically absent from his country, it is inconsistent to hold that one who is entitled to all the rights of a native Cherokee would forfeit his citizenship right by such action.

CONCLUSION.

In conclusion we will state that we recognize the fact that the freedmen of the Cherokee Nation, who are entitled to be enrolled and who have been denied enrollment, have been somewhat lax in the assertion of their rights, but the Honorable Secretary of the Interior will no doubt attribute their seeming laches to their ignorance of the proper procedure in such matters, and grant them the relief prayed for in their respective petitions.

STARE DECISIS.

While it is true that the view of the law relative to the enrollment of freedmen, herein expressed, is contrary to the heretofore generally accepted doctrine, the adoption of this view will not in any way conflict with the doctrine of *Stare Decisis*.

It is the purpose of the doctrine of *Stare Decisis* to keep the scale of justice even and steady, and not liable to waver with every new judge's opinion.

In these particular cases these applicants do not attempt to have your Honor reverse a decision rendered by any other court or tribunal. This particular question in regard to the construction of the 9th Article of the treaty of July 19, 1866, has never heretofore been raised.

VESTED RIGHTS.

The adoption by the Interior Department of the views herein expressed will not affect detrimentally any vested rights in the Cherokee Nation. The only material effect the adoption of this view will have on vested rights in the Cherokee Cation is to secure to these freedmen applicants the properties which are justly theirs, and upon which they have spent the energies and activities of an ordinary lifetime, in bringing to their present state of improvement.

HOMES OF FREEDMEN.

These freedmen applicants settled in the unoccupied and unimproved districts of the Cherokee Nation soon after

the war of the rebellion. For many years after their settlement in these districts they labored under all the disadvantages common to pioneer life, together with the constant exposure to the wrath of their former owners who had fought to retain them as their slaves. And then too, the early training of these freedmen has not been such as to equip them for other positions in life than that they now occupy. When they moved to these unsettled districts they had nothing. By means of industry and economy they have made for themselves and their families homes and farm properties which compare favorably with the better class of farm properties in the States. They are now in possession of these properties, and to deprive them of such possession will be to deprive them of the result of their labor of years, and to leave them without any means of livelihood. Many of these freedmen are now advanced in years and are wholly dependant upon the income from the properties from which the Cherokee Nation is now trying to deprive them.

LANGUAGE OF HOWARD, J.

Even if the doctrine of *Stare Decisis* did enter into this matter, this doctrine is not always to be relied upon. Courts find that it is often necessary to overrule cases which have been decided contrary to principle. Many hundreds of such overruled cases are found in the American and English reports. Bowvier's Law Dictionary and 8 Gr. Bag. 257.

In this particular class of cases, if the long practice of the Commission in misconstruing this treaty be regarded as worthy of consideration, we most respectfully submit that in the language of Howard, J, 144 Ind. 593, that a reversal of the decisions on this subject by the Commission is proper. "Let this decision be right whether the other decisions were right or not."

WHEREFORE, In the light of the preceding discussion, we most respectfully submit that all Cherokee "freedmen who were liberated by voluntary act of their former owners or by law, and their descendants," are entitled to all the rights of native Cherokees.

Respectfully submitted,

BLUE & BULGER,

Attorneys for Applicants.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT DIVISION.
MUSKOGEE, I. T., JUNE 8, 1905.

Cherokee Freedman R-40 et al

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al.---------- C F R- 40
Andrew Daniels et al.---- ------- C F D-861--R-395.
Lizzie Shaffer et al.---------- C F D-916--R-396.
Mary Hill et al.---------- C F D-917--R-394.
Lizzie Haynes et al.---------- C F D-941--R-393
Mack Daniels et al.---------- C F D-1089-R-392.
Thomas Daniels et al. ---------- C F D-1100-R-391.
Burrell H. Daniels et al.----------C F D-1101-R390.

APPEARANCES:
For the Applicants: Blue & Bulger.
For the Cherokee Nation: W. W. Hastings and J. S. Davenport.

It appears from the records of the Commission that on January 18, 1904, the Commission rendered its decision in the matter of the above applications denying the applications. That on January 19, 1904, the record in the matter of these applications was forwarded to the Department and the action of the Commission was approved by the Secretary of the Interior on June 24, 1904. It further appears that on May 13, 1905, the decision of the Department affirming the decision of the Commission was remanded and the record and the papers returned with a request that a rehearing be had in the matter. Now on this day pursuant to notice the applicants herein appear both in person and by their attorneys, Blue & Bulger of Vinita, I. T., the Cherokee Nation represented by W. W. Hastings, one of the attorneys for the Nation.

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The following testimony was introduced on behalf of the Cherokee Nation:

R. W. LINDSEY, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A R. W. Lindsey.
Q What is your post office? A Chouteau, Indian Territory.
Q
BY MR. HASTINGS:
Q What is your age? A 73.
Q What is your post office? A Chouteau.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q Were you married when the war came up? A Yes sir.

Q To whom were you married? A Mariah Bryant.
Q Who was her father? A Joel M. Bryant.
Q Was he commonly known as Col. Bryant? A Yes sir.
Q Did you know the applicant, Burrell Daniels, before or during the war? A I knew him during the war.
Q I mean the applicant here? A Yes sir, I knew him as good as anybody.
Q Where did you first know him? A Well I have seen him the first to know him was at out six miles east of Van Buren in Arkansas.
Q When was that? A About October, 1862.
Q In whose family was he at that time? A Col. Bryant, his property at that time.
Q Did he own him at that time? A Yes sir.
Q Did Burrell Daniels have a wife then? A Yes sir.
Q Do you remember what her name was? A Yes sir, Miranda.
Q Did they have any children? A Yes sir.
Q Do you remember how many? A Lets see, I can recollect the names of Lewis, Nancy, and Abe, there were about five to the best of my knowledge, but they have all died except one or two.
Q To whom did Miranda and the membrs of Burrell's family belong?
A Col. J. M. Bryant.
Q That was in October, 1862? A Yes sir.
Q Where did Col. Bryant's family go during the war? A They went from that place for a little while close to Dansville, Ark. for a few months, and then went south to Red River ten miles east of Doaksville, Choctaw Nation, one year, and then removed from there to a point 17 miles southwest of Doaksville in the Choctaw Nation.
Q Where were they at the close of the war? A They were at this place 17 miles southwest of Doaksville in the Choctaw Nation.
Q Did they shsequently remove to Texas? A Yes sir.
Q Just go ahead and make a statement? A I was in the army and was travelling under orders from Shreveport to report to General Cooper, commanding the division of the Indian Territory, C. S. A. and when I got to Paris I heard from a party there that Col. Bryant's family had removed across the Red River, and I went there and met them there and Burrell Daniels was there with them.
Q When was that? A In the early part of May, 1865.
Q Where did Col. Bryant and where did you go from there? A I don't recollect the distance but it must be 40 or 50 miles up Red River to Warren where Col. Brynat joined us there.
Q Where did you go from Warren, Texas? A We started from there and went to Chihuahua, Mexico.
Q Was Burrell Daniels with Col. Bryant's family at Warren, Texas?
A Yes Sir.
Q Now tell of the circumstances of Col. Bryant going to Mexico and of his taking this family with him? A He went to Mexico and this family of Burrell's and another family of negroes, 5 or 6 in number, he taken them along with him, they all went together.
Q Did he force these people to go with him?

Mr. Blue: I don't think that is competent, I think that is a conclusion rather than a statement of facts. I think he ought to state the facts and not undertake to give conclusions.

A No sir, he didn't force them.

Q Now tell about it? A As I understood it was entirely amicable, I didn't hear of any objection at all, Burrell and his wife, Miranda were very confidential servants you may say, it was their matters and they went along freely as I expect he ever did anything in his life, as I understand they were to go with them to Mexico.

Q What was Col. Bryant intention of going to Mexico at that time?
A Well it was just after the war and things were so that he had to go some place, as a good many called it to get out of the way of the Yankees.

Q Were the se parties compelled to go? A No sir, they stopped at a place I think 210 miles northeast of the Rio Grande, where we stopped and liberated the slaves and rested for several days, and Mr. Bryant made a contract with Burrell and I think maybe his wife, that when they got over into Mexico they were to work and pay the transportation, and I think maybe the amount was fixed, I am not certain about that, and then when we got to the City of ~~Chihuahua~~ Chihuahua, and after awhile we moved down three miles east of Chihuahua, and we had been there a few weeks when Burrell taken up his family and skipped off into the City from the camps where we camped at, and Mr. Bryant come there and found him in the city, and he brought suit against him before the the court there, and he got judgment, I don't recollect the amount of the judgment though.

Q What did he bring suit for? A On account of the contract for services, he brought suit there for the money or for the services he a reed to pay him.

Q For what money? A For transportation under this contract entered into at Fort Stockton. He got the judgment and of course that would compel the services or the money, I don't know what the amohtn of the money was, but Governor Terasso, Lewis Terasso paid the money and then, under the laws there, or course, Daniels became a subject to him for the amount of money to satisfy that judgment.

Q Then this contract that was entered into was to pay for the transportation of Burrell Daniels and the members of his family from where they had previously started over into Mexico? A Yes sir that was it.

Q And you say Bryant got judgment for some amo nt but don't know the exact amount? A No sir not the exact amount.

Q Burrell Daniels has testified the amount was $113.00, do you remember about that? A I don't recollect the amount, I have heard them speak about it.

Q You say Lewis Terraso paid the judgment? A Yes sir, paid the judgment.

Q And that ended Burrell's connection with the family? A Yes sir

Q Was that in 1865? A Yes sir, that was '65, about September, 1865.

Q About how long did you stay there after that? A About two years.

Q You and did Col. Bryant stay there two years after that? A Yes sir we came back together.

Q Did you ever see Burrell Daniels here after that time? A No sir not until 1888, I saw him in Tahlequah, I saw his oldest son frequently.

Q When did you say you saw him here? A In 1888.

Q You don't know just when that was, when he returned? A No sir.

BY MR. BLUE:

Q You say you were a son-in-law of Col. Joel Bryant? A Yes sir.

Q Was Bryant a Colonel in the Confederate Army? A Yes sir.
Q Was he in command of a confederate force in 1865? A Up until about May in 1865 I think everything went to pieces about that time.
Q Was he ordered to turn in? A I wasn:t with him, I did what I was ordered to do and I met his family and mine and we went up above. I don't know anything about that. The equipage he had was perhaps his own, men those times furnished according to his own skillet.
Q Were you with Bryant in 1865? A No sir just met him at Warren, Texas.
Q In what year? A '65.
Q And who was with him at that time? A When I first met him there were two young men, one by the name of Lem Smith and Joe Bennett.
Q I mean what companies he had? A No companies, those two men were the only ones. Afterwards two other parties came in that belonged to his commandz. Those wereall he had, no one but those two when he came down from Washita of his command, didn,t have any command then, they had dis banded.
Q What was Bryant doing down in that part of the country at that time? A He came from Washita to meet his family and fixed up to go to Mexico.
Q What was his object in going to Mexico? A I said to get away from the Yankees.
Q Was it customary for the Yankees to make it unsafe for the ex-confederates? A I don't know, we didn't know at that time.
Q You were going away from the Yankees and there wasn 8t any there?
Q That is my idea, I couldn't tell any other idea.
Q Then you went from there to the City of Chihuahua? A Yes sir.
Q And was this Burrell Daniels and his family the only colored people with you? A No sir, there was another family about 5 or 6 I think.
Q Were they trying to get away from the Yankees too? A I couldn't tell what their motives were. They were old family slaves except two.
Q They were slaves of Joel Bryant then? A Yes sir, and you don't know or anybody else how close old slaves would be to us during those days.
Q You say Burrell Daniels was with Joel Bryant in 1862 in Arkansas?
A Yes sir, that was when I first met them, in August, 1862, I think Joel Bryant bought him from Thompson out here just a little ways east of here, I only heard of them speaking of the transaction.
Q You don't know it? A No sir, only heard it but I know they were up that way.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir.
Q Do you know from whom Johnson had bought Burrells? A From Robert Daniels.
Q What part of the Territory did Johnson live in in 1862? A Johnson had lived on his place, it was about ten miles little south east of where Vinita is now, and Robert Daniels lived on the Texas road just north of him.
Q Where did Johnson Thompson go then? A He had gone to the Choctaw Nation, I could see him around and I think he was a commissary perhaps in the first Cherokee regiment. I frequently saw him on the trail sometimes we had a good night sleeps and sometimes we would be running.

Q Was that first Cherokee Regiment a Confederate force? A Yes sir that was the one, there was a first Cherokee regiment and there was a second Cherokee regiment.
Q What was the number of Col. Bryant's regiment? A I don't recollect, I wasn't with his regiment, I was with ~~the~~ a different command all together, that has been a long time ago and I have forgotten it.
Q Did Johnson Thompson at this time have any other slaves except Burrell Daniels? A Yes sir considerable.
Q Did he move those with him? A I don't know they were with the family, his family went to Red River, I expect they went there in 1862.
Q At about the same time that Daniels went to the Choctaw Nation? A About the same tim he moved down he was moving when they made the deal out here at a little spring close to Rosen Lake.
Q Do you know why they went to the Choctaw Nation? A Yes sir.
Q Why? A The Yankees were in it again.
Q Do you know that Burrell Daniels was sold by Johnson Thompson to Col. Bryant? A Well I know just only from hearesay, the old man Bryant said he had bought him from Thompson, and I think Thompson had brough him from Daniels
Q Was it not customary in those times for a salve owner to put his salves with some army officer for protection? A Not then, no sir, not until things---we held the ground, it was all our way then.
Q What time of the year was that? A That was during the summer of 1862. I said it was about August when they made this trade.
Q In the latter part of August you made this trade, didn't the northern forces come down her and wasn't John Ross and family north with them? A They had previously to that time, but they got away rapidly, we were master of all we surveyed then, but I say we didn't hold it long.
Q If you were monarch of all your surveys here why did you go south? A We took a good stand, and made a good run.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you enrolled as such? A Yes sir.
Q How long have you lived in the Cherokee Nation? A You count from the 2nd day of November, 1859 up to this day.
Q From what place did you come to the Cherokee Nation? A From Kansas City, Missouri.
Q Are you a Cherokee by blood? A No sir, by marriage.
Q Then you were here or hearabouts all the time of the war until in 1865 when you started to old Mexico? A Yes sir.
Q And you were with General Cooper, if I understand you? A Yes sir.
Q What regiment? A Second Cherokee regiment two years, and I was with the artillery the last of the war.
Q When Col. Bryant started from this place was it his intention of going to old Mexico? A Yes sir that was it.
Q How many people were they with Col. Bryant at the time he started to Mexico? A Besides hiw own family, I don't think there was over, at that time, ten more men. There were several more than members of his family, I would say a dozen at the outside.
Q Did he have some young boys? A He had only one son.
Q Was there any others? A One boy started with him and then way down about Waco another boy come in.
Q How did you travel from going from this place in Texas to Mexico? A We travelled in wagons.

Q Some on horse back I suppose? A Some on horse back, a few.
Q How did you subsist in going through that country? A We had beef cattle, some milk cows they had that the family was using I think andtraded for.
Q About what size herd? A Not very large but I would say 30 or 40 head perhaps, it wasn't a big herd, small.
Q And you took them along to subsist on? A Yes sir.
Q Was that stok of the family or was it property of a party for all? A No sir they were Bryant's property, he footed the bill.
Q While in travelling from Warren, Texas, did you go by an old travelled route or otherwise? A We travelled the usual travelled route.
Q Did you find amy Yankees in the way out there? A Not a single Yankee.
Q From Waco did you take the usually travelled route? A Yes sir, until we got to San Sabin, and then it was the other route, we went to Belton, and we passed Yeupusa and Sansaba, and then we took a little by way to Fort Stockton.
Q After you heard that the Yankees were in that vicinity you didn,t travel the route usually used? A No sir the Yankees were not in that vicinity, they were way down to Houston.
Q Now this old Fort Stockton, how near was that from the divide?
A It was 210 miles to the best of my recollection.
Q Your recollection is it was 210 miles from Fort Stockton? A Yes sir that is my best recollection.
Q What was the last stopping place so to speak until you got down to Presidio? A It was 122 miles to Presidio.
Q What I wish to know, from the time you left Fort Stockton until you got down in the vicinity of Presidio did you fine any other stopping place? A No sir that was the first stopping place.
Q Was tht a settled country? A No settlement at all.
Q Was it an arid place during those days? A Yes sir.
Q You came through to this Cotton Wood Spring and there you stopped for a time? A Yes sir.
Q About how long before you went on? A Perhaps it was six days.
Q Then you crossed into old Mexico? A Yes sir.
Q After you got into old Mexico you remained there how long?
A Two years.
Q Now isn't it a fact ahat Col. Bryant tookd judgment against othe colored people that was with him? A No sir only Burrell and his family.
Q Do you know anything about how Burrell Daniels got out of Mexico? A No sir didn't see him any more after he left the camps there.
Q You spoke of seeing his eldest son? A Yes sir.
Q What was really a peonage son too? A Yessir.
Q As a matter of fact there was no such thing as slavery there as it was in the United States? A No sir it was a contract you see.
Q Simply sell into bondage until the debt was extinguished? A
A Yes sir that was of it, if necessary I can briefly state it, that if you make a contract with a man he could work it out. You know what peon mean, it means just servitude of labor, it was under a contract for a debt.
Q As I understand it under that contract they were sold into slavery until the debt was extinguished, if it wasn't paid? A No sir, I beg your pardon, you could compel him to make that servitude or get the money and pay you.

Q Now at the time you got there into Mexico, as you have stated, what government was in power then, the Mexican government or the Government of Maximillian? A Maximillian.
Q During the time you remained there what government was in power?
A Most all the time Maximillian, about the time we left there the Maximillian government was overthrown, just a little while before we left.
Q Was the government changed back to the Mexican control before you left? A Yes sir.
Q Did either you or Col. Bryant while you were in old Mexico participate in the government there in any way? A No sir.
Q You and he were there simply as citizens and trying to live there?
A Yes sir.
Q Did Col. Bryant return back to the United States after that?
A Yes sir.
Q And you did also? A Yes sir.
Q Have you ever held any official position in the Cherokee Nation?
A I have been a member of the National Senate in the Cherokee Nation.
Q Have you held any other official position? A No sir.
Q Have you been a member of the National Council of the Cherokee Nation more than once? A Only once.
Q When was that? A It was in 1887 and '88.
Q Now I will ask you do you remember when Bushyhead was elected Chief? A The first time was in '79 and the second time in '83.
Q Then he was Chief of the first election how long? A 4 years.
Q Reaching from what time? A '79 to '83.
Q How long was he chief the second time? A 4 years.
Q Do you remember when he was inducted in office in 1883? A It was supposed to be about the first Monday in November, '83.
Q Then the term of that office would run 4 years? A Yes sir.
Q Was he chief of the Cherokee Nation any other terms than those two? A No sir, that was all.

BY MR. HASTINGS:
Q You and Col. Bryant then went to Mexico in 1865 with the intention of living there at that time? A Yes sir, that was the intention.
Q And you started from near Warren, Texas? A Yes sir.
Q Was Mr. Baugh, his other son-in-law with you? A Yes sir.
Q That is the other witness out here? A Yes sir.
Q And you say Burrell Daniels and his family went with you voluntarily? A Yes sir.
Q Was he compelled to go by Col. Bryant? A No sir.
Q Another family of slaves went with you at the same time? A Yes sir.
Q Were they compelled to go with you? A No sir, and he proposed to bring them back at the same time. They stayed with him the length of time working for themselves, and when he came back he told them he would bring them back with him.
Q They had a signed contract with him to pay for their transportation did they? A Yes sir.
Q After they got over to Chihuahua Burrell refused to comply with the terms of the contract? A Yes sir, that was about it, he left Mr. Bryant's services.
Q Left owing for this transportation? A Yes sir.
Q And as I understand you Mr. Bryant, in the proper courts down there, brought suit for this transportation? A Yes sir.
Q And he got judgment? A Yes sir.
Q And this Governor of Chihuahua, Lewis Terasse, paid off the judgment under Mexican law? A Yes sir.

Q And Col. Bryant had no more to do with it? A No sir.
Q Whatever was done by Col. Bryant was done there in accordance with the Mexican law and the action of the courts? A Yes sir.
Q Col. Bryant never sold him into slavery or peonage, only got judgment against him? A That was it, under the law he could have held him until hem got it.

BY MR. BLUE:
Q Youstarted from this point in Texas you have stated as I recollect it, that it was in May, 1865, when you started to Mexico, what day in May? A I couldn't recollect, I think it was in the early part of May, perhaps the middle.
Q Now as a matter of fact when you started these people were slaves of Col. Bryant? A Yes sir, so considered.
Q Were they slaves when you went into Mexico? A No sir, he had liberated them at Fort Stockton.
Q What was Burrell Daniels and his family doing during the time they were travelling, going through there? A Burrell was driving one of the teams, and his wife was cooking for Col. Bryant's family.
Q As a matter of fact Burrell and his wife were working for Col. Bryant? A Yes sir.
Q And did work for him up to Fort Stockton when this contract was made? A Yes sir.
Q Now did Col. Bryant at that time pay Daniels and his wife anything for their services? A I would say not, my impression is that he didn't pay them anything.
Q This proceeding out there in Mexico by Col. Bryant by which this judgment was obtained, was it under the rule Maximillian?
A Yes sir.
Q Did you or Col. Bryant, eiher one become citizens of Mexico?
A No sir.
Q Did Col. Bryant take out any papers there? A No sir.

BY MR. HASTINGS:
Q Were you there on July 19, 1866? A Yes sir.
Q Was Col. Bryant there? A Yes sir, I was there until '67.
Q What time did you leave there in 1867? A In the latter part of July, '67.
Q Did Col. Bryant also leave at that time? A Yes sir, we left together.
Q I believe you stated that Col. Bryant didn't force either of these families to start with you from Warren to go to Mexico?
A No sir he didn't.

BY MR. BLUE:
Q You also stated that Burrell Daniels and his family were slaves at that time? A Yes sir.

BY THE COMMISSION:
Q Is Col. Bryant dead? A Yes sir.
Q When did he die? A About 1899 or 1900, I couldn't state which.
Q Only about 5 years ago? A Yes sir, just about 5 years ago.
Q Where did he die? A Up there at Chateau.
Q How far is Stockton from Pahlequah? A It is a long ways.
Q What is your best judgment? A I would say about 800 miles.
Q Up until you reached Fort Stockton Burrell Daniels and his family were slaves? A Yes sir.
Q How many of these slaves that were liberated at that time returned to the Cherokee nation at once, all of the salves you had with you, did you take them all to Mexico? A About all, yes sir, I don't believe but two of them came back when we did.

Q Is it a fact that the slaves that you had at Warren were all with you still at Fort Stockton and they were still with you when you went into Mexico? A Yes sir.
Q And they were with you in Mexico? A Ye s sir.
Q The party wasn't broken up at all? A Not until we made a stop in Mexico.
Q Do you know how far Warren, Texas, is from Tahlequah? A It is a little more than 200 miles.
Q How far is Fort Stockton from Chihuahua? It is about 400 miles.
Q How far is San Antonio from Tahlequah? A It is about 600 miles.

W I T N E S S E X C U S E D.

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J. H. BAUGH, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A J. H. Baugh.
Q What is your post office address at present? A Muskogee just at present.
Q How old are you Mr. Baugh? A I am 80 years old.

BY MR. HASTINGS:
Q When were you first married? A In 1854.
Q To whom were you married? A To Charlotte Bryant, Bryant's oldest daughter.
Q Was she the oldest daughter of Col. J. M. Bryant? A Yes sir.
Q You are a brother-in-law of Mr. Lindsey who just left the stand? A Yes sir.
Q Were you living near Col. Bryant when the war came up? A Well yes I was, Bryant lived on the east side of ~~Grand~~ Grand River and I was most of my time, ---Bryant lived on the west side of Grand River I should have said, and the most of my time I was over in the hills near Spring Creek running some saw mills.
Q Do you know Burrell Daniels? A I used to know a negro by that name, I wouldn't recognize him now.
Q Did he have a wife named Miranda? A Yes sir he had a wife, I don't recollect what her name was.
Q When did you first know these colored people? A Well my recollection is pretty bad about the dates or anything of that kind.
Q Was it during the war or before the war? A It was during the war.
Q Where did you know them? A I knew them on Frog bayou I think first, or Cushess Creek.
Q Where was that, in what State? A In Arkansas.
Q Did they belong to Col. Bryant then? A They did.
Q Where did you know them, if you knew them, at all just after the war? A Out on Red River in Fannin County near Bonham in Texas.
Q Where were they when the war cease, were they there when the war closed? A Who, them niggers.
Q Yes? A Yes sir.
Q Where was Col. Bryant's family? A They were on the east side of Red River at what is called Horse Prairie not very far from where Sampson Folsom used to live in the Choctaw Nation. They went over into Texas then and fixed to go to Mexico after the surrender.

Q Did they go to Mexico? A They did.
Q Do you know whether this family of Burrell Daniels and his family went with them or not? A She did.
Q Did he? A Yes.
Q Where did they start from the go to Mexico? A They started from out there not far, it is on the east side of Red River.
Q Do you remember the town of Warren, Texas, how far is it from it? A I don't recollect any such town as Warren.
Q Your memory is bad about these names and dates? A Yes sir very bad.
Q You were along with Mr. Lindsey when you started were you not?
A Yes sir.
Q Did Burrell Daniels and his family go with Col. Bryant and your family? A Yes sir, they did.
Q State whether or not that he went with him voluntarily or how he went? A Well there was no complication as I know of, if there was any I don't know it, of course there was a crowd of us all went together and I don't know of them compelling any one to go.
Q About what time of the year did you start to go to Mexico?
A It must have been the latter part of May or the first of June, I am not certain, I think it must have been the latter part of may or the fist of June that we started to Mexico.
Q Was that in 1865? A '65, yes sir.
Q After you got to Mexico what became of Burrell? A He stayed around there with Bryant's family awhile then Burrell, he skipped out and went into Chihuahua, we lived 6 or 7 miles from Chihuahua and they went up there.
Q Who went up there? A Burrell and his family.
Q How long had they been there with Col. Bryant when Burrell Daniels left and went up to Chihuahua? A Couldn't tell you.
Q Well was it a short time or considerable time? A I suppose it was a month or two, I don't know exactly.
Q What did Col. Bryant do about it? A He sued them, he claimed that he had a contract, I don't know anything about that part of it, they had agreed to pay him for their transportation across the plains and when they runed off, they were to work for this transportation, work for Bryant. When they runed off then he entered suit against them and got judgment and Burrell didn't have the money to pay it and he got Governor Terasso to pay the amount, whatever it was, and agreed to work for Terrasso until he paid the debt.
Q You say Burrell got Terasso to pay the debt? A I suppose he did, I don't suppose he would have paid it unless he asked him to do it.
Q Did Col. Bryant have anything more to do with Burrell Daniels after that? A Not that I know of.
Q Were you a witness to that contract that Daniels was to pay him for his transportation? A No sir.
Q You only heard that there was a contract entered into? A Yes sir
Q Do you know of Col. Bryant getting judgment against him in the Mexican court? A Well I was not a personal witness to it but that was my understanding.
Q You were there, a member of the family at the time? A I was living in Chihuahua at the time and Mr. Bryant and his family lived about 4 or 5 miles east of Chihuahua.
Q How long did you remain down there in Mexico? A I stayed there nearly two years, I lived there in until in June, 1867.
Q 1867 you mean? A '67, it was June '67.

Q Did you all leave Texas to go to Mexico with the intention of living there at first? A What was our intention, then matters were not settled here and we didn't know how things would go in this country so we went to Mexico, and I always wanted to go to Mexico anyway, so it just suited me.

Q Did you ever see Burrell after Col. Bryant got judgment against him and after he went from under his control? A I couldn't answer that question because I can't recollect what, I may have seen him, but I don't recollect.

BY MR. BLUE:

Q How old are you Mr. Baugh? A 80.

Q How long have you resided in the Cherokee Nation? A 52 years.

Q From what place did you come to the Cherokee Nation? A I came from Texas here.

Q Have you lived here continuously ever since you came, except what time you were in Mexico? A Yes sir, I have been in the Cherokee Nation most of the time and I have been here all of the time except once in a while I would go down to Texas and stay a month or so.

Q Were you in the Confederate services? A Yes sir.

Q In what Confederate regiment? A In Stand Waitie's regiment.

Q Did you at any time serve in Col. Bryant's regiment? A No sir.

Q Was Col. Bryant a Cherokee? A No sir only had a Cherokee family.

Q He was a Cherokee by adoption then? A I suppose you would call it that. I don't think they are adopted any more.

Q He had been recognized as a Cherokee citizen? A Yes sir.

Q And you married his daughter? A Yes sir.

Q His wife was a Cherokee woman? A Yes sir.

Q Have you been recognized as a Cherokee citizen and enrolled as such? A I have been enrolled as a Cherokee citizen.

Q Then you have been treated and regarded as a Cherokee citizen ever since your marriage to Col. Bryant's daughter? A Yes sir.

Q Where did you join Col. Bryant s party that went to Mexico after the war? A Somewhere out there west of Bonham, I think.

Q That was in Texas? A Yes sir.

Q Was it at a town or village or city or some camp? A He just camped out.

Q Now when you joined that party, who if any one, joined with you?

A Well now then here, I will state the case this way; there was Bryant and his family and Bryant had a lot of men along with him, soldiers that was in the war that was going to Mexico with him and we all camped over there on the other side of the river together. I don't know as I joined the company any more than any one else, I just went along with my family.

Q At the time you started, this party of you people for Mexico, about how manyxxxfx were they of you? A I suppose there was about 50.

Q Well of that 50 people how many of them were exconfederate soldiers? A I don't know, there was I suppose 15 or 20 perhaps that went along that was part of the way out there and they branched off and some of them I think went up toward El Paso.

Q Where did they branch off from you at? A they branched off at, my recollection is very bad, - well now I think it was about Pot Stockton somewhere along there, that some of them left us.

Q About how many of them left there, if you remember? A I don't remember.

Q How did you travel from this place in Texas over to Mexico?

A We went in wagons and teams.

Q Any of you on horse back? A There was a good many of these boys that were with the family went along horse back.

Q Were you a slave holder in those days? A No sir, my wife had a little negro girl.
Q Was she along? A She was along.
Q What became of her? A She died in Mexico, I think those Mexicans poisoned her.
Q Was she sold into slavery in Mexico? A No sir.
Q Did she live with you after you got to Mexico? A Yes sir.
Q Did she live with you up until the time of her death? A Yes sir.
Q How many slaves did Col. Bryant have with him of his own slaves from the time you started to old Mexico? A I don't know exactly, how many I couldn't tell you. They took outthere--there was one family that belonged to his mother--let's see-- there was 3 or 4 of them maybe, I don't recollect exactly how many, I can't remember.
Q Did he have Burrell Daniels and his family along with him?
A Yes sir.
Q Burrell at that time was his slave? A They were when they started from here until the surrender come, there was no slaves after that.
Q What did he do about the matter when he got over to Fort Stockton? A Of course the understanding was that Mexico was a free state, and that this fellow Burrell and his family agreed to pay his transportation to Mexico and he was to work out the money.
Q That is for carrying him over to Mexico? A Yes sir.
Q When he started Burrell was his slave? A If there was any slaves after the surrender.
Q Burrell understood he was his slave at that time? A Yes sir.
Q And he held Burrell and his family in slavery until he got out to Fort Stockton? A I couldn't say.
Q Did he out at Fort Stockton make some kind of a release of them and brought them over there? A I couldn't testify to that, I wasn't present at the time it was done but that was my understanding.
Q At that time he agreed to free them and he was to pay him for carrying them across there? A Yes sir.
Q And that contract was he was to work out that bill over in Mexico when they got there? A Yes sir.
Q And after they got there it seems that Burrell went up to Chihuahua and refused to carry that contract out? A Yes sir.
Q And then he proceeded under the Mexican law against Burrell there? A Yes sir.
Q What government was in control of Mexico at that time? A The Liberals.
Q Was it a government of the Mexican people at that time or Maximillian? A It was the Mexican people.
Q Do you remember what year that was? A That was in '66 I think, I was there in '66 and '67, and I think it was in '66.
Q Do you remember when you and Col. Bryant's party passed into old Mexico? A Very well.
Q What was that date ? A I don't recollect the date but I recollect the time.
Q You say you started in May or June of 1865 from Texas? A Yes sir
Q How long were you on the way? A Well we must have been maybe 5 or 6 weeks, I don't know for certain, I can't recollect.
Q Then you probably crossed over into Mexico in July or August of 1865? A Yes sir.
Q Do you remember of stopping at some springs up near the line?
A At Leon Holes.

Q I will ask if when you started from Stockton what place in Mexico did you intend to go? A Our calculation was to go to the State of ~~Xxxxx~~ Sonora, then we aimed to go to Chihuahua, after that we give out going any further.
Q Don you remember at stopping at some springs about 20 or 30 miles of the line eiher Cotton Wood Springs, or some such spings as you stopped? A It was no place, only a hollow between two hills.
Q You camped there didn't you? A We camped there a little while.
Q Now as a matter of fact during the time that you were in Mexico up until just before you left there Maximillian was the emporxer of Mexico was he not? A Well I don't know that he was, he was not recognized in Chihuahua at all.
Q He had the capital city and was in control of the government?
A Yes he left the capital at Chihuahua was in control of the Tradoras, that was a traiter to the Mexican government.
Q At any rate he was an adherent of Maximillian? A Yes sir.
Q And the City of Mexico and the government was in the hands of Maximillian? A The City of Mexico might have been, but Chihuahua where we were was in the hands of the French.
Q How long did you stay there all together? A A little less than two years.
Q When you returned from Mexico, who, if any one, came back with you? A No one came back with me but my family, my wife and children.
Q When you came from Mexico to what place did you return? A I stopped up on Grand River.
Q I mean did you return to the Cherokee Nation? A Yes sir, to CooweesCoowee District.
Q So far as the contract that was made between Col. Bryant and Burrell Daniels andhis family you know nothing only by heresay?
A Nothing at all.
Q When did you first see Burrell Daniels that you remember? A I couldn't remember that.
Q Where did you fist see him? A Couldn't remember that.
Q Do you know that Col. Bryant's family was down in the Choctaw Nation during part of the war? A I do.
Q Were they in Arkansas too? A Yes sir, they were at Evansville.
Q Do you know whether they lived in Texas during the war? A Not only when they went over there to go through.
Q During the time you were on this trip from Texas to Mexico, what did Burrell Daniels and his family do on the trip? A I think Burrell maybe drove a team.
Q Wasn't he a blacksmith? A If he was, I don't know it.
Q What did his wife do on that trip? A I don't know unless she helped the women cook.
Q As a matter of fact Burrell Daniels and his wife worked for Col. Bryant all the way over there? A I guess they did.
Q You also had a herd of cattle that you subsisted on? A Yes sir we carried some beef cattle along with us.
Q And some cows? A Beef cattle principally.
Q About how many did you have with you? A About 50 or 60.
Q Did you have any oxen with you? A Yes sir, I had an ox team.
Q State if you know why Col. Bryant's family during the war sometimes lived in the Choctaw country? A Just Cause they couldn't live up here.
Q Why couldn't they live up here? A Cause they were southern people.
Q And then they lived down in Arkansas and the Choctaw country to get out of the way of the Yankees during the war time? A That is what they did.

Q You say you don't remember when you first saw Burrell? A No sir.
Q Do you remember anything about his belonging to a man by the name of Daniels at the commencement of the war? A No sir, I knew some Daniels.
Q Did you ever know anything about his belonging to a man by the name of Johnson Thompson? A I knew Johnson Thompson.
Q Then when you first saw him he was with Col. Bryant? A Yes sir.
Q Did you during that time see Col. Bryant in the Choctaw Nation at that time? A Bryant was there part of the time.
Q Do you know whether or not he left the Choctaw Nation to go to Texas at the time he started to Mexico? A He left the Choctaw Nation to go to Texas.
Q Did he go from the Choctaw Nation over into Texas before he started to Mexico? A That was my understanding.
Q Were you with him in the Choctaw country? A I was then about 3 or 400 yards of where his family lived .
Q Then you saw him in the Choctaw country before he crossed over into Texas? A Yes sir.
Q About how many slaves did Col. Bryant have in his party when he started to Mexico? A I don't know, I suppose 15 or 20, I couldn't be any ways correct, I never paid any attention to it.
Q There was something like 15 or 20 then? A I think so.
Q Now outside of Burrell Daniels family what family of the rest of thise slaves did you know? A Some of them went to Mexico.
Q Are you sure about that? A I don't know.
Q As a matter of fact didn't your party including these slaves after they got down there to the line, didn't you all first cross over into old Mexico, slaves and all? A They all went with us. Q Now you say the slave girl that belonged to your wife died in old Mexico? A Yes sir.
Q Now outside of Burrell Daniels family what became of the rest that were carried into old Mexico? A Some of them came back and some of them stayed.
Q Did you ever see any of those that came back? A I have.
Q Who were they? A One was a negro woman named Bettie that belonged to Mrs. Buffington.
Q What was the name of the other? A That came back, I don't know of any others. Lets see, I believe Bettie is the only one that I recollect of seeing to come back.
Q Where is she now if you know? A Up here about Choteau.
Q Is she living still? A She was a year or two ago.
Q Do you know about how far is it from Chihuahua to Tahlequah?
A No sir I couldn't tell you.
Q About how far was it from Chihuahua to San Antonio? A I think it is about 7 or 800 miles, maybe 900, let me see, it is from Chihuahua to Fort Davis is about 200 miles, and from Fort Davis to San Antonio I think is 500 miles. Well it is about 7 or 800 miles from Chihuahua to San Antonio.
Q Now can you give me an estimate of the distance from San Antonio to Tahlequah? A I would have to get a railroad map and figure it up.
Q When you reached Fort Stockton with this party about how far were you from the Cherokee Nation? A I would have to have a pencil and map to tell that.
Q About how many miles do you think it was? A That is too hard for me.
Q Now when you travelled over that country from this point in Texas from which you started to Mexico by the route you took, was it a settled country or wild and desolate country? A It was settled until after you left the Colorado River, out west

here at the head of the Concho River there was no settlement there until you reached the Rio Grande. It is considered 90 miles from the head of Concho River to the Pecos, that distance is a desert, no water.

Q When you had to carry water over there? A Yes sir.

Q Then that country was a wild and part of it an arid country where you crossed over? A Yes sir.

Q How did you subsist while you travelled over there? A We subsisted on meat and bread and water.

Q Did you carry the bread with you? A Of course we carried flour and we had the beef and salt.

Q I understood you say that just prior to Mr. Bryant's starting to Mexico you and he lived near each other in the Choctaw country? A Yes sir, my family and me and Bryant's family we lived close tog ther awhile.

Q How long did you live there before you went over into Texas? and started for old Mexico? A I expect about 12 months maybe.

Q Did all these negroes tha. he had with him there in the Choctaw nation, did he take with him to Mexico? A I couldn't say.

Q You don't know of any of the negroes that were with him there, tha: he didn't take, do you? A No sir.

BY MR. HASTINGS:

Q Now how many negroes did he get into Mexico with that you remember, your best judgment, about that? A I expect about 10 or 12.

Q Was th re more than one family besides Burrell Daniels's family?

A Yes tha is there was some other niggers, I don't know as any of them had any family they were mostly women.

Q Did they belong to Col. Bryant or some other members of the party? A Yes they belonged to Bryant and some, there was one that belonged to Lindsey's wife, and one belonged to Mrs. Buffington, a girl, and one that belonged to my wife.

Q Now will ask about those slaves that Col. Bryant took over there, did he have any other besides the Burrell Daniels family and one other family? A Lets see, I think there was two other girls, maybe they called one Rainy and another girl,-- I forgot her name.

Q All of Col. Bryant's original slaves did not go to Mexico did they? A No sir, I guess not.

Q And they all didn't start with you to Mexico? A No sir.

Q You were not present when that contract was signed with Burrell Daniels to pay back his transportation to Col. Bryant? A No sir, I was not present.

Q But you understand one was signed? A I couldn't recollect knowing about the contract, only it was my understanding that there was a contract of that kind.

Q And he sued him and got judgment upon this contract? A Yes sir.

Q Now you were asked about your citizenship and that of Col. Bryant awhile ago and you laughed, why was that, is your citizenship a proposition that is in question, the intermarried whites of this country, there rights is in the Courts isn't it?

A Yes sir I guess so.

Q Well I am asking you, Col. Blue was asking you about whether you were a citizen and whether Col. Bryant was a citizen? A

A What I was laughing about he asked me if Col. Bryant was an adopted citizen, well I don't know whether he had ever been adopted or not, he was married into the Cherokee Nation.

Q He was a white man himself? A Yes sir, he married a Cherokee woman but whether or not he had ever been adopted I don't know, adopting and marrying into the Cherokee people is a different thing aint it.

Q Do you know from whom Col. Bryant bought Burrell paniels? A No sir I don't.
Q Now didn't you answer awhile ago that the first time you saw Burrell paniels was in Arkansas? A It appears to me that he must have been out on Frog Bayou, he rented a farm down there, maybe in '63 down on Frog Bayou, and he had some niggers on it, whether Burrell was amongst them, I don't know but maybe he was.
Q That is your impression, but you don't know? A My recollection aint very good.
Q How old are you now? A I am 80 years old.
Q Your recollection about these dates is not very good? A No sir.
Q What became of the rest of these slaves that Col. Bryant had and subsequently went with him to Mexico, what became of them?
A Well when I left Mexico they were in Chihuahua, that is all I know about them, I don't know, I didn't come back with Bryant's people.
Q Did you come before him or after he did? A I started before he did.

BY THE COMMISSION:
Q How many Cherokee families were in this party that went to Mexico? A I don't know, lets see, in our crowd there was myself, was the oldest one, Lindsey and Buffington and Bennett, and Bryant himself.
Q They all had families did they? A Yes sir.
Q This party was then composed of Col. Bryant and his children and their families together with some of their slaves? A Yes sir.

BY MR. HASTINGS:
Q Was Buffington and Bennett sons-in-law of Bryant? A Yes sir.

BY MR. BLUE:
Q Did Col. Bryant have any of the slaves of his mother along with him? A Yes sir.
Q How many were they of them with him when the party went to Mexico? A Three I think.
Q Were those the girls you were speaking of awhile ago? A Well there was one nigger ~~woman~~ man named Abe, he stuttered very bad, you could hardly understand him at all, and then there was a nigger girl, Nealie and then the old woman, I don't recollect whether she was living or not.
Q What became of the other slaves of Col. Bryant that you say you and he didn't take to Mexico with him? A I don't know.
Q Had they runed off? A No sir I think not.
Q Where do you think they left them? A I don't know, some of them,--lets see---I don't recollect.
Q As a matter of fact Mr. Baugh Col. Bryant took all the slaves he had with him when he started to Mexico? A No sir, he didn't.
Q Where did he leave any of them? A Well he left some of them on Red River I think.
Q Before he went down into the Choctaw country? A No sir, before he went to Mexico.
Q Had he sold them? A Yes sir I think he sold them to some fellows there for beef cattle.
Q Not the slaves? A These fellows that bought them I think were Yankees and they thought they would be allowed to keep them I reckon.
Q And you mean to say that he took all the slaves except what he sold at that time, did he? A Yes sir.

Q Had all these sons-in-law of Col. Bryant that were with him there in that party been in the Confederate army? A Yes sir.
Q About how many more Confederate soldiers were there with him before he started to Mexico besides his sons and sons-in-law?
A Well I can't recollect there was some fellows, a little company I think there some men that started out that was but I don't know where they left us.
Q What was his name? A I think it was Captain Steward.
Q Did he have a company of his own? A Yes sir a small company, as they all had left him but 10 or 15.
Q Then there was his company of 10 or 15 and Col. Bryant and his sons-in-law that started to Mexico? A Yes sir.

BY MR. HASTINGS:
Q You don't know how far he went with you? A I don't recollect where he left us.
Q Who all got to Mexico with you or do you know? A There was Bryant's family and his sons-in-law and there was some other fellows that fell in with us, several that fell in along.
Q So you don't remember the names of the parties? A No sir.

BY MR. BLUE;
Q Did any other fellows that fell in take in slaves to Mexico?
A No sir.

W I T N E S S E X C U S E D.

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R. W. KINDSEY, recalled by Cherokee Nation:

BY MR. HASTINGS:
Q Did you witness that written contract that was made between Col. Bryant and Burrell Daniels that was made at Fort Stockton?
A Yes sir.
Q And it was made to cover the expenses and transportation of Burrell Daniels and his family? A Yes sir.
Q And you were a witness to it and signed it as a witness? A Yes sir.
Q Of course you donIt know what became of that contract? A No sir.

BY MR. BLUE:
Q Did any of these colored people sign that contract themselves?
A No sir they signed it by mark.
Q Who wrote the names? Lem Smith and Joe Bennett and myself witnesses it.
Q Who was Bennett? A A son-in-law of Col Bryant.
Q What was Smith doing with the party? A Smith was an old friend that went with us.
Q He was an exconfederate soldier was he? A Yes sir.

BY MR. HASTINGS:
Q Daniels thoroughly understood the nature of that contract?
A Yes sir.
Q It was explained to him? A Yes sir.

BY MR. BLUE:
Q Who explained it to him? A Col. Bryant.
Q What was the contract? A It was that he was to pay so much money for the transportation of himself and family into Mexico, and tha he was to work it out at the contract price, I don't know whatever that was, can't say about that.

BY THE COMMISSION:
Q What was this Fort Stockton, a small village or what was it?
A It was a small kind of a barracks it was, I sup ose built to accommodate one or two companies for their protection, it wasn't very old, it was put up there during Buchannan's administration.
Q What was the nearest town to there? A I couldn't say, El Paso was about 200 miles.
Q What kind of a country was there around Fort Stockton? A There was prairie country .

BY MR. HASTINGS:
Q Were there any soldiers there at Fort Stockton? A No sir, and hadn't been for quite awhile.

BY MR. BLUE:
Q That was an abandoned fort then? A Yes sir.
Q What was the nearest settlement to that fort at the time you were there? A I said El Paso or Presidio de Norte.
Q About how far was it? A About 200 miles.
Q Was there any houses in between there? A We ll it was quite a distance to any of them.
Q This place you spoke of as Presidio de Norte is it near what is El Paso? A No sir, it was way down the river.

J. H. BAUGH RECALLED:

BY MR. BLUE:
Q In answer to a question of Mr. Hastings you said that Burrell Daniels asked this Governor of Chihuahua to pay this judgment, you don't know anything about that do you Mr. Baugh? A All I know about it is that it was my understanding that Governor Terasso paid Col. Bryant for their transportation because Burrell agreed to work the money out and he went to Terrasso's ranch, sheep ranch and took care of sheep.
Q What I want to get Mr. Baugh you don't know how that happened to be done, you don't know anything about Burrell requesting it or anything of that kind? A No sir just my understanding.
Q Your understanding as I get it is that the Mexican Governor did pay that and took these people and put them out on the ranch? A No sir, I don't know about them, but I am satisfied that he never did without being asked.

BY MR. HASTINGS:
Q Why are you satisfied? A Well if he hadn't I think I would have found it out.

CHEROKEE NATION RE S Y S.

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This case was here continued until 1:15 P. M. this day.

The following testimony was introduced on behalf of the applicants/

BURRELL DANIELS, being first duly sworn, testified as follows:

BY MR. KLUE:

Q What is your name? A Burrell Daniels.
Q Are you the same Burrell Daniels that has testified before in this application? A Yes sir.
Q Did you know Col. Bryant? A Yes sir.
Q Where did you first know him that you remember? A When I lived up there on Grand River.
Q Did you know him before the war began? A Yes sir.
Q Did he ever after the war began get control of you? A After the war began, a long time after it commenced I was put with him with his command, me and a whole drove more.
Q Who put you there? A Our owners put us there to keep us out of the way of the Yankees.
Q Was that all done at once or from time to time? A Done when they had us on a retreat down here when we got out here about Skelleyville, Choctaw Nation.
Q Did you have a family then? A Yes sir.
Q Where were they? A My wife belonged to Johnson Thompson, and Lewis and Abraham, and Tom and Sarah I believe they were my oldest ones, and Nancy.
Q What became of your wife and children when you were put with Col. Bryant? A They were with the white family, with Mr. Bryant family.
Q Do you mean by that that Col. Bryant took charge of you and your family? A He told us all the time we were with him to keep us out of danger.
Q Were your family with him the same as you were? A Yes sir, they stayed with his wife and he taken me out in the army with him, and the rest of them worked around the family.
Q How long were you with him during the war? A I think it was over two years, while the war was going on.
Q Do you remember being with him in Arkansas at any time? A That was when he first put us with him.
Q At what place in Arkansas? A On Frog Bayou below Van Buren.
Q Who had that place in control at that time that you know of?
A I don't know who was the owner of it, it was turned over to him.
Q Turned over to who? A Mr. Bryant, I didn't know he was the owner but he took charge of it and put in a crop there, but I don't recollect whether he gathered the crop or not.
Q Did you work on the farm there? A Yes sir.
Q Did these other colored men work there too? A Yes sir, I worked there but most of the time I was out with him.
Q What did you do with him when out with him? A I cooked and drove a six mule team.
Q After you left Frog Bayou to what place did he take you? A He carried us over to Fort Smith and camped a day or two and then we were taken down the Arkansas River to Dardenell and before the winter was out he carried us in below Boaksville, and then after a while he carried us up above Boaksville.
Q Where were you in down there about Boaksville? A In the Choctaw Nation on the Red River.
Q At what place in the Choctaw Nation did he keep you at the time he had control of you? A We were down there below Boaksville awhile and moved from there above Boaksville on the Red River and stayed there until the war ended, moved the family up there, the colored family and his family.

Q You were then in the Choctaw Nation were you? A Yes sir.
Q About how many colored people did he have there in that neighborhood at that time? A He must have had about 30 or 40, something along there, little and big.
Q Do you know to whom these colored people had belonged before that time? A Some of them had belonged in the Nation here, and some of them belonged to some persons in Missouri, and some of them belonged to somebody on Grand River, and some of them were his own.
Q Do you know whether any of his mother's slaves were along? A Yes sir his mother was along with him.
Q Col. Bryant's mother? A Yes sir.
Q Did you know a Mr. Baugh, a son-in-law of Mr. Bryant? A Yes sir.
Q Do you remember any other sons-in-law? A Yes sir, Mr. Lindsey, John Buffington and Joe Bennett.
Q If he started to old Mexico from what place did he start? A From up there above Doaksville, he never started until the war ended and everybody was going home, he come and told us to get ready we were going to march and he marched us over into Texas, and some of the niggers were talking about running off when he said he was going to take us along, and he said he was going to kill the niggers that runed off, and Joe Bennett told him to kill old Burrell and he wouldn't have any trouble, and he called me up and asked me if I was trying to get them to run away and told him no, and they took us then and carried us further over into Texas and they was cutting wheat with cradles and we worked there and after this and started out for Austin, Texas, and when we got to Waco and crossed the river and get on the other side of Waco, and camped, his men went back into town and broke into the stores and he had to leave there, and then struck out for Austin and was going to Austin met a runner stating the Northern troops were in Austin and then struck out across the plains.
Q Where did he go to then? A He travelled I reckon about two weeks, got clean out the settlement and camped, picked out some of his best men, Captain Stewart, Lieut. Thomas, Lieut. Patterson and sent them back to east Texas and they brung out 1500 head of cattle.
Q About what place was it that they went back after the cattle?
A I couldn't tell, it was way out on the plains quite a goods ways from any settlement.
Q What did they do with that 1500 head of cattle? A Carried them along with us and a crowd got after us and we were two nights and days without anything to eat or water.
Q You mean to say he and his party and stock travelled how long?
A Marched us all night and all day, told us we had to keep kicking there was a crowd after us.
Q What did you do then? A Travelled until he thought we were out of danger and then camped so as to let the stock graze and after a day or so started on again.
Q Did you continue to travel? A Yes sir, until we got to, I don't know exactly how long we travelled, we travelled until where the United states used to have troops and there he stopped and rested awhile. He stopped there like this evening and the next morning made us all form a line and told us to come up and sign a paper he had made.
Q Who do you mean by saying all? A All the colored men.
Q Did you form the line? A Yes sir.
Q Then what did he say to you? A Said to sign this paperand the first nigger kicked why he would kill him and let the wolves eat his bones, and when we get to Mexico he was going to put us on a farm and get even with us.

Q What did he do there when he had you in line and told you that?
A Nothing but to sign it.
Q Did you sign your names? A No sir, he signed it and we touched the pen.
Q Was there anybody there with you who saw it? A Yes sir I have a boy there.
Q Do you remember any white men? A Yes sir, his soldiers and all his sons-in-law.
Q How many of his soldiers did he have? A I don't know exactly, had a little squab of them, maybe 35 or 40, maybe more.
Q were they armed or not? A Yes sir all had arms.
Q How did you travel across that country? A All of them colored men were driving mules teams.
Q You say his sons-in-law were there when you signed this paper?
A Yes sir.
Q Were they armed or not? A Every one of them were armed, they had the arms on them that were in the war with.
Q Do you remember Lindsey one of the sons-in-law? A Yes sir.
Q Was he there? A Yes sir.
Q Do you remember whther he witnesses the contract or not? A Yes sir they were all there.
Q Now you state to the Court whether you went with him to Mexico of your own free will? A I did not, I have got to die before long, and it would not be honorable for me to tell a lie. He made us go.
Q Was that true of all you colored people? A Yes sir.
Q About how many of you men that he made sign that contract that day
A Me, Tom, Joe, Uncle Edwin, I think there was six of us, just the men, no women.
Q At that time about how many colored people did he have with him out there at that fort? A He had a lot of women and children, every one of them had children, about two or three girls.
Q Are you able to state about how many there were of them? A My woman I think had Lewis, and Abraham, and Tom, and Nancy, and I think Sarah, and then there was another woman along that had two children but as he was going trough Texas he sold Rainy andher children and the balance he carried on.
Q To whom did Uncle Abe belong? A Mr. Bryant.
Q To Mr. or Mrs. Bryant? A I guess to Mrs. Bryant.
Q Is that the old lady? A Yes sir.
Q Col. Bryant's mother? A Yes sir but he had them with him all the time.
Q How did those colored people that were with him at this fort all go over into Mexico too? A Yes sir all went over into Mexico when across the Rio Grande travelled on about 160 miles from the Rio Grande camped us there by a Mexican French called Talliope.
Q How far was that from Chihuahua? A One mile.
Q After you got to Mexico what occurred in regard to you colored people over there? A Every day or two a Mexican would come out in fine carriages and carry off the girls and boys and told him they would pay him so much money apiece for them, and asked him if they were citizens. I got up one night about mid night and went up to the city and hid them.
Q When what occurred? A I suppose he went before the French general and taken oath of allegien and had a writ issued from the French and come and arrested me and marched me and my family down the street and an American Merchant there met them and told them he had runed off with us, that we were free when we left here and that throwed it into court.
Q Told them Col. Bryant had runed off with you? A Yes sir.

Q Then what was done? A While they were trying the case stepped in a little man very fine dressed and he come in and asked Mr. Bryant and talked French, Mexican and English and said he wanted to have a word to say to Mr. Bryant and asked him when he started from the States with these niggers and he told him and he asked him how long you were crossing the plains with these niggers, and he said three months, and asked him how come him so long and he said took it slow and asked him what this man was doing here, and he said drive my team, he asked him what kind of a team and he said six mule team, he asked him what did these nigger women do and he said waited on my mistress, and he asked him what these little boys did and he said drove my stock; and he said he runed off with these niggers and he sent a runner to Maximillian that he runed off, and the runner come back and Maximillian said let them be and he turned around to the court and asked him if it be that, and he asked Mr. Bryant how much they owed him, and he said $500.00, and he asked him if any niggers ever owed his master, and Mr. Bryant didn't answer, and he turned around to the French officer and told him to sum it up so much a piece for this man, woman and they sumed it up and knocked it down to $113.00.

Q They put that in as a counter bill against Bryant's claim? A Yes sir.

Q What reduced it to $113.00? A Yes sir, and the Mexican Governor got up and said I have no say so, if I had I would have turned them loose when you first come here and he paid the $113.00 and sent us out on the ranch.

Q Was that the man before whom you were tried? A That was the Mexican Governor, he put us out on the ranch and worked us 5 or 6 years, they give me $6.00 per month, my wife didn't get nothing and my little boy sometimes would get $1.50 per month to herd sheep and while I was working there, I was on the road which runed from Chihuahua to El Paso come a man moving his store from Santa Fee and he asked me what we were doing there, and he said my wife is from New York and I am going in and pay you all out from here, and I will give you a chance to get out of here, and went on in, and a Spanish man came to the ranch and said the Mexican Governor said for us to come to the city and asked what he paid for us and he paid $250.00, and we went to work, she nursed for the madam and I cooked.

Q What is this party that paid you out? A Yes sir, he give us $8.00 a month apiece, and we worked this $250.00 out with him.

Q Then what did you do? A When I got through that I worked around my wife was expecting to be confined and after a month until she got straight and I left her there with Mr. Brown, a lumber man and I followed a train of wagons from the City of Chihuahua to the Rio Grande and the Government had wheat shipped out of Mexico.

Q What Government? A The United States Government, grinding it for the forts up and down the Rio Grande.

Q You say the United States Government had wheat shipped out of Mexico? A Yes sir they shipped wheat and had a mill right on the bank of the river.

Q Grinding the wheat for the use of the United States soldiers?

A Yes sir.

Q When you got through there, what did you do? A I went to work there and I cooked for the boys and worked in the mill of nights for about ten months and kept money going back to my family to keep them up and finally come a Mexican train from San Antonio, Texas, went into Chihuahua andhe promised to bring my family to me for $15.00, and he brung them to me for $15.00, and they stayed there

with me until another train came along, and American one and an Mexican driver by the name of Mr. Grever, and they went on to the City ofChihuahua and when they returned back I told them that I wanted to go to San Antonio with them if I could. I told them I had a big family but didn't have enough money to pay them and he asked me if I could shoe mules and I told him yes, and we crossed on the train, and every time we sto ped and rested I would shoe 5 or 6 mules, and when we got to the City of ~~San~~ San Antonio, I went to him and asked him what he would charge me and he looked at me and laughed and said, you have done better to me than the blacksmith ever done, and he said the mules were better shod than they ever was, and he gave me $10.00 and told me to go and rent a house.

Q That was at San Antonio? A Yes sir and after I left the Rio Grande and got to Fort Davis the United States give me rations to Fort Stockton and there they give me rations to Fort Clarke, and there they give me rations to San Antonio.

Q That was when you were travelling with the train? A Yes sir.

Q What did you get working there at the mill for the Government?

A I got $25.00 a month and sent a big part of it back.

Q When you reached San Antonio how much money did you have?

A I don't guess I had any.

Q You got $10.00 from that train master? A Yes sir.

Q Outside of that did you have any other money of any consequence?

A No sir, I don't think I did.

Q What did you do there at San Antonio? A I went to work there I reckon about a year and not being used to the climate and water I took down and was down to near a year and the City Doctor had given me up to die, and I was very sick and the Doctor came around from New Orleans and took hold of me and stayed with me until I got up.

Q Now during the time you were down sick did your family do anything? A My wife washed and the boys worked around the hotel.

Q Did they save up any money while you were sick? A When I got up I borrowed the money and paid the doctor bill from a policeman named Sol White loned me $25.00 to pay my doctor bill and as soon as I got able to I went back 25 miles from San Antonio on a ranch and went to work, me and the boys.

Q How did you work there? A Put in grain and cotton on the halfe r and the first year I come out a little in debt.

Q Now you tell what this farm contract was that you worked under?

A The rent was half renters and I don't care how much you made everything you ate came through their hands and you had to sell what you raised to them and when you got through they might say you were ahead or you were in debt.

Q When you say half rents that means half you raised and when you went to the stores you bought the stuff from them? A Yes sir.

Q Then at the end of the crop season what was the consequence, how did you come out of it? A At the end of the crop season he said I owed him $300.00 and took the crop for it.

Q What did he say about you coming away? A He would not let us come away, we were in debt a little more and said we had to stay there and put in another crop and we did stay and we put in another crop and took up and I left any how.

Q Where did you go then? A Back to San Antonio.

Q Then what did you do? A Worked around there awhile until I got a little money and there happened to be an excursion starting out and the old lady said she wanted to come home and we taken that excursion train and stayed on it until we got to Wimer, Texas and they put us off there.

Q Now you said you loaded up and went down to San Antonio, did you have a team there? A No sir I never had any team.
Q What did you have there? A I hired a man to haul us away.
Q Did you have any money at that time? A No sir didn't make any, didn't get any out of the crop.
Q The owner still claimed you owned him? A Yes sir and after I got to San Antonio he came in and told me if I would come back and go to work he would give me $30.00.
Q Now then when you got up to Wimer what did you do then? A I went up to a place near Holdman Valley and raised cotton.
Q Was that in Texas? A Yes sir Page county, near Wimer I put in a crop there and gave half I made and I come out even and I was going to quit and go to another man named Mr. Wimer and the man that I rented from came out and said here don't you leave here, my brother has made a kick about this half rent, claimed that we were starving the poor people and said out of every four bails you give me one and take three, and give me one and you take two thirds of the grain, and I stayed there and went through that year and I believe me and my son made 15 bails turned in my rent and paid up all our debts and everything and we had money enough to come to Muskogee, and when we went to start, and the last day settling up my wife was with me and they come down there and told us not to leave, and said you have just got to stay here another year and will fix it so you can get a little piece of land up on the prairie, and my wife told him no she couldn't do it, and he said you had better not do it for I read in the newspaper that those Cherokees were killing niggers and floating down the river, you had better not go, but we didn't stay.
Q Then what did you do after you came to ~~Muskogee~~ Muskogee? A I went down here and found my mother, got here in the fall and the Cherokee council just had adjourned and I worked for a lawyer called Bird Harris, and I went to work for him and fixed fence.
Q Was that in the Cherokee Nation? A Yes sir, out here just the other side of that church and I worked for him and made a crop and moved down to Mrs. Nivens.
Q Was Mrs. Nivens place in the Cherokee Nation? A Yes sir.
Q Then what did you do? A The next fall come after the time we got here I went to the Cherokee Council, Gus Ivy and George Butler got up a bill and carried it in and had it signed up and all the half breeds signed it up but the full bloods and they got up and made speeches said that we were carried to Mexico and kept there so many years and said we had a right but they every one signed it up and George Butler got a room where there was nothing but full bloods and George told them he wanted them to sign it up, that this old darker had been to Mexico a long time and they studied and studied so long that he told me to go in he wasn't going to fool with them, we can make up citizens without them damn Indians and Mrs. Bushyhead said you have got plenty of time and told them to go on home that they would see if I got my citizenship and when wallace enrollment come on mistress sent for me old Mrs. Daniels, at Vinita, and I was put on the roll up there.
Q On the Wallace Roll? A Yes sir, she sent two colored men up as witnesses for me, and when Kern-Clifton come they sent me a letter to meet the enrollment in Tahlequah, I don't know it was written to me by some of them Cherokees, I went and Mrs. Bushyhead got up and witnessed for me and had them take my name and send it to Washington to the Secretary to act on it. Mr. Hastings was there and seen that.

Q Was any of your family besides that? A Every one but Tom and Lewis, didn't get their names right.
Q You mean by that they made a mistake in putting those two on?
A Must have they didn't get them on but got all the balance.
Q Who was Chief of the Cherokees when you came back that you know?
A Mr. Pushyhead.
Q During the time that you were with Col. Bryant on the way to Mexico and after you got there until you got back to the Cherokee Nation where did you intend to go to when you got so you could go? A

Mr. Hastings: I object to that as not being a legal propositia

A I always intended to come to the Cherokee until I got here.
Q During all that time where did you consider your home? A Cherokee Nation.
Q Did you ever at any time have any home anywhere else? A Never did.
Q Why didn't you come back to the Cherokee Nation sooner? A I wasn't able to, I had a house full of little children and sometimes I would get to working, worked out and couldn't save enough to come up and just as soon as this railroad got to San Antonio we taken the train then and kept a travelling until we got here by working along.
Q Now was there any time during all that time in your power to get back here any sooner than you did? A It was out of my power I had nothing to come back here with.
Q As soon as you got the money you came back? A Yes sir.
Q Now when you got back into the Cherokee Nation what did you do in the way of fixing a home for yourself and family? A I just worked around in the Creek Nation and in the Cherokee Nation just where I could get good wages.
Q Have you ever had a home anywhere else except in the Cherokee country? A I built a little place down here close to the line in the Creek Nation, went back over into Canadian awhile and lived.
Q How long were you at that place in the Creek Nation? A I don't know, maybe two or three years, sold it for some stock and moved back in the Cherokee Nation.
Q Do you remember what year it was you had a place over there?
A No sir I couldn't tell you exactly I can't read, I couldn't tell what year it was; I have been living on Caney River about 9 or 10 years up in the Cherokee Nation.
Q Coming back to this fort to which Col. Bryant took you, do you remember the name of that fort? A Fort Stockton.
Q At the time he compelled you colored men to sign that contract about how far was it from that place to any settlement that you know of? A There was no settlement.
Q According to your best judgment about how many miles were you to any settlement? A I don't know exactly how far it was from Stockton to Davis and after we got to Davis it was 90 miles to the Rio Grande.
Q On the day you were set free did you have any teams or horses any way to get away from there to Waco? A No sir never had any way.
Q Did you have anything of your own to eat if you had started back from there? A No sir nothing at all.
Q During that time did you ever say to him or to any of his people that you wanted to go to Mexico or that you were willing to go to Mexico? A No sir never asked none of us. After he moved from the Choctaw Nation to Texas he called us up and said he heard some of us were talking about running away and he said he would kill us if we did, had a great mind to kill us anyway.

Q At the time you say he told you you had to sign this contract, just tell what he said at that time? A He said he heard some ni ger murmuring back there in the crowd and if he does it again I will kill you and let the wolves eat you right here.
Q What did he say about carrying you into Mexico? A He said I am going to carry you over and put you on a farm untileverything gets peaceable here and I will fetch you back to the nation.
Q Do you know anything about where that ~~[illegible]~~ 1500 head of cattle come from of your own knowledge? A No sir he sent men back and got them.
Q Do you know who brought ~~him~~ them back to his camp? A I knew the officers, Captain Stewart, Lieut. Catterson, Lieut. Thomas, Lem Smith, and Joe Bennett, Bennett was a son-in-law.
Q Who was this man Smith? A A soldier of Bryant's.
Q Had lived with him before the war? A Yes sir.
Q What bedame of that 1500 head of cattle? A Took them to Mexico and sold them.
Q Kill any of them on the way to eat? A Yes sir.
Q Did he have any cattle of his own when he started from Texas?
A Yes sir had a few, bunch of cows, in driving through the settlements of Texas those cows, we had a little boy to drive them and he would tell the little boy to get around there and mix them and carry them on.
Q As you drove along? A Yes sir make a little colored boy drive them in and take them along.
Q Do you know anything about what provisions he had with him when he started from Texas? A Yes sir I was driving a six mule team It was loaded with flour, he killed a beef now and then for his own family.
Q In crossing over the plains there for whom did you work from the time you left Texas to Mexico for yourself or some one else?
Q Drove a team for the Colonel.
Q For whom did your wife work? A Cooked for her mistress.
Q Did he say anything at Fort Stockton or any place about freeing you? A No sir said there was no freedom for niggers, and that the Yankees were going to take them off and put them on the cotton plantations.
Q When did you first learn about the Treaty of 1866? A When I come to the Nation here.
Q From whom did you learn it? A Mrs. Nivens and Mr. Harris.
Q Had you at any time before that known anything about the Treaty of 1866? A No sir, never did, where I lived I was in Mexico 6 or 7 years, never heard a thing of it.
Q Did you hear anything about it while in San Antonio? A No sir, not until I got back here.

BY MR. HASTINGS:
Q Burrell what year is this? A I can't read, I can't tell you what year it is.
Q You testified before that you came back here during Bushyhead's second administration, didn't you? A I testified that I came back here a year--the council adjourned and the next year I went and he was Chief but I don't know whether he was Chief when I got here the year before that.
Q Didn't you testify when you were on the stand before that it was during ~~[illegible]~~ Bushyhead's second administration? A I couldn't tell.
Q Did you testify to it? A I don't recollect.
Q George Butler knew when you got back didn't he? A I told him I got back the fall before we got to Tahlequah.

Q Now he testified in your behalf and it is in evidence that you got back in 1884, do you think that is about correct? A I don't know sir.
Q He knew when you got back, didn't he, you told him? A Yes sir he knew when I got back, but I don't know whether he stated it to council or not.
Q But he has testified in your case since this case has been pending before the Commission and he testified that you came back in 1884, do you think that is correct? A I don't know.
Q He testified as your witness didn't he, you brought him before the Commission? A He went down there before the Commissioner.
Q Well before this Lawes Commission he testified for you in this case hasn't he? A I said he did, I didn,t see him.
Q And he testified as your witness then didn't he? A Yes sir.
Q Now if he testified that you came back in 1884 you aren't prepared to dispute that you stand by your own witness? A Yes sir.
Q That is the first time you had ever been back to the Territory after the war? A Yes sir, but I don't know what time it was.
Q Didn't Col. Bryant give you your discharge out at Fort Stockton?
A No sir.
Q Didn,t give you any discharge? A No sir didn't give me any discharge, never until he got that money.
Q And that was over in Mexico? A Yes sir.
Q Was that in 1865? A I don't know when it was.
Q But he did give you a discharge there? A No sir but he sold me to the Mexican Governor.
Q I think you said he got it into court and the Mexican Governor said you owed him $113.00? A The Mexican Governor paid $113.00 to him and put me on the ranch.
Q What was in the Mexican court there? A No sir it was the French Court, the French General took care for us to be turned loose.
Q He testified you owed him $113.00 for transportation? A Yes sir.
Q That was for you and your wife and your children? A They claimed $500.00 but cut it down.
Q That is what they got wasn't it? A Yes sir.
Q After that Mr. Bryant never had any more to do with you? A No sir.
Q How long did you work for that fellow Terrasso? A I worked 5 or 6 years.
Q You worked for $6.00 a month did you? A Yes sir.
Q 6 X 12 would be 72, wouldn't it? A I don't know.
Q It wouldn't take you two years at the rate to work you out?
A No sir you couldn't work it out, every year you worked you owned more.
Q Now you have testified that you stayed in Mexico 5 or 6 years?
A Yes sir, and I swear to it, there was three children born there.
Q You stayed in Mexico all told 5 or 6 years, is that correct?
A Yes sir.
Q You went there the year the war closed? A Yes sir.
Q When that made you come to the United States either in 1870 or 71? A No sirI didn't, the man that paid me out, I worked for him at $8.00 for my wife and myself until I paid $250.00.
Q You said you stayed in Mexico for 5 or 6 years? A I stayed on a Mexican ranch 5 or 6 years.
Q When where did you come to from the Mexican ranch? A I went out and worked for the man that paid me out and carried me into the City.

Q How long did you stay there? A I must have stayed there 15 months.
Q Then where did you go to? A Around town and worked awhile until I got ready to come to the Rio Grande.
Q Then where did you go? A I came to the Rio Grande.
Q Then you stayed as I understand you, 5 or 6 years with the Governor of Chihuahua, then about 18 months with different people for whom you worked, , then about a month or two before you went to the Rio grande, that made all told about 18 months? A I left my family and come to the Rio Grande and worked there about 18 months and sent money back to my people.
Q How did you send it back? A I went over across the river to the merchant and he sent it back to them.
Q And from the 5 or 6 years that you stayed with the Governer of Chihuahua, then the other time, 18 months, and then some two or three months added to it, would make it in all 7 1/2 years all told that you stayed in Mexico, wasn't it? A I stayed in Mexico I expect something near 8 years, the first child growed to be that high (indicating) right on the Mexican ranch, and the next one got up to be a good size lad, and the next boy, he is here now, he was about 6 months old before I left Mexico, the last one.
Q Which one is that? A Burrell.
Q Then how old is he? A I don't know exactly.
Q He is given in to be here in 1901, Burrell's age was given in as 30 years of age, is that about correct? A We just made a guess at the ages.
Q Was that your best judgment under oath at that time? A Yes sir.
Q Now then this boy was about 6 months old when you left Mexico?
A I think so.
Q Then if he was born in 1871 you left Mexico about 1872, the latter part of '71 or '72? A I can't say, I don't know, I can't read.
Q You know his age was about 6 months old when you left there? A
A Yes sir and when we got here, the first roll was the Wallace Roll and we just guessed at the age, I don't know my own age unless I go to Tahlequah.
Q This card here, R-390, gives your boy, Burrell H. Daniels, age as being 30, and this is dated December 17, 1901, do you think that is as near as you know correct? A I don't know, it might be just about it.
Q Have you any children born since Burrell H. was born? A Yes sir, Lizzie and Mack were born.
Q Where was Lizzie Born? A She was born at Hill's ranch.
Q Where is that? A The last place I stayed before I came here.
Q Where was Mack born? A In San Antonio.
Q Is he alive? A Yes sir he is here in town.
Q Mack's age was given in 1901 as found upon R Card 392, as being 25 years old; do you think that that is about correct then?
A Mack is older than Lizzie.
Q I have not mentioned Lizzie's age, I said Mack was given as 25 years old in 1901, is that correct? A I don't know.
Q But you know you were there in San Antonio when Mack was born?
A Mack was born in San Antonio and Lizzie was born on Mr. Johnson's ranch before I left there.
Q Is Lizzie a year older than Mack? A No sir.
Q Which is the older Lizzie or Mack? A Mack, he was born in San Antonio before we ever went to Johnson's ranch.
Q How many children did you have born in the State of Texas?
A Three I guess.

Q What are their names? A Lizzie and Jack and Robert.
Q About how old was Robert when you left there to come to the Cherokee Nation? A He was a little kid, I don't know just exactly. how old, just a little child.
Q About how old was he? A I couldn't tell you to save my life.
Q Was he a baby two yearw old or three? A Just getting so he could talk, just learning to talk.
Q Do you think he was a year old or two years old? A He was a year old.
Q Do you know whether he was two years old? A I don't know whether he was two years old or not.
Q According to this card Robert was born in 1881 then that would make you come here about 1883, is that about correct? A I don't know unless I could read, I couldn't tell.
Q Now then according to your statement you stayed in Mexico between 7 and 8 years so you came to Texas in 1872 or '73, now then according to your own statements you lived in Texas from 10 to 12 years? A No sir, I don,t know.
Q Now if you come there in 1872 which is the best we can get at it from your own statements, where did you live the first year?
A I lived the fir st year in San Antonio.
Q Now what did you do? A Worked around on the streets.
Q What did you get there? A I got enough to keep my family living, we paid house rent, yes sir.
Q How old was your oldest boy then? A I hired them out around the hotels.
Q How old was your oldest one? A I don't know exactly how old he was.
Q How old was your oldest boy when the war came up? A Big enough to drive cattle.
Q Now then 12 years after that they were up nearly grown then were they? A I hired them out as little boys and got the money.
Q How long did you live at San Antonio? A Lived there a year and went from there to Mr. Johnson.
Q Where did he live from there? A About 25 miles.
Q What did you do out there? A Farm.
Q Did you farm on the shares? A On halfers.
Q How long did you farm for Mr. Johnson? A Two years.
Q Where did you go from there? A Back to San Antonio.
Q What did you do in San Antonio then? A I worked around there until I got money to leave.
Q How long did you stay there? A Around there two or three months.
Q Where did you go from San Antonio then? A The exsursion left there and I came to Wimer, Texas.
Q How long did you stay at Wimer, Texas? A Two years.
Q What did you do there? A I farmed.
Q Then where did you go to? A I came to the nation.
Q That don't tally with the number of years? A No wonder I stayed in Mexico so long I couldn't tell how long I stayed in Mexico.

Mr. Blue: I object to this,witness states that he does not know, and it is shown here and he has answered that I expect 20 times that he did not know, I object to this method of examining the witness, and I think it is not necessary to ask an old man 25 or 30 times, it does not seem to me to be lawyer like.

Q When was the first child you had born in Mexico? A Elmira was the first one.
Q She was born in Mexico was she? A Yes sir.

Q What is her name now? A Elmira Daniels I guess.
Q Is she living? A No sir she is dead.
Q What is the next one? A Ruthie.
Q Did he die there? A Yes sir she died there.
Q What was your next child? A Burrell H. was born in the City of Chihuahua.
Q You come to Texas then about 6 months after Burrell H. was born?
A I don't know.
Q Aint that what you testified to awhile ago? A I don't recollect how old was he.
Q What did you tell me awhile ago? A I told you he was born in Chihuahua.
Q I asked you how old he was when you went to Texas you said he was born in Mexico, now how old was he when you left Mexico and went over into Texas to San Antonio. Didn't you testify awhile ago that when you went over into Texas he was 6 months old?
A He may have been andmaybe have been older.
Q Is that your best judgment? A Yes sir.
Q When was your first child born after you got over into Texas?

Mr. Blue: I object to that for the reason that that must be about 6 or 8 times since that question was asked.

Q When was the first child born in Texas after you come from Mexico?
Mr. Blue: The same objection as above.

A Mack was the first child born after I left Mexico.
Q He was born over there in Texas was he? A Yes sir.
Q The attorneys over here---you never did get any act admitting you over here did you? A They made a bill and all signed it but the full bloods.
Q You never got any copy of the bill to file here did you? A They said they were going to give me a record.
Q Who said that? A All of them in council.
Q Who did you see there? A All of the men in the Senate where I went and made application.
Q Did they give a copy of the bill admitting you? A No sir they didn't admit me but said they were going to do it.
Q They never voted to admit you did they? A I don't know anything about the voting, they sent me a letter to come over there and put me on the Clifton Roll and you were there and saw that done.
Q Butler testified that you came back here in 1884? A I don't know, I was out doors when he made the talk.
Q You know he never testified to anything except your return? A. I don't know about that.
Q Was this man Lindsey present when you singed that contract?
A He was right there.
Q He heard Col. Bryant threaten to kill you down there did he?
A Yes sir.
Q Did he sign the paper as a witness? A I don't know what he done Bryant taken us and carried the paper into the tent, I don't know what he did.
Q Did they have a paper over there in the Court in Mexico when the matter was tried. Did they have this paper over there in Mexico when Mr. Bryant had you up there? A Yes sir, had sold 7 niggers.
Q I mean this contract that you signed with him, did he have that over there? A Must have had it, I don't know whether he had it in court or not, he had it.
Q How many cattle do you say they drove across Texas into the Mexican side? A They claimed there was 1500.
Q These men that went along with Col. Bryant were not soldiers, but

it was customary for everybody to be armed? A They were Mr. Bryant's soldiers, never quit him.
Q Did they march along all the time as a company of soldiers?
A Yes sir.
Q Then you don't know what year you left Mexico do you? A No sir.
Q You don't know wht year this is? A No sir, I stayed there a long time, have to sum it up, I stayed I guess 10 years down there.

BY MR. BLUE:
Q Do you read and write? A No sir.
Q Can you sign your own name? A No sir.
Q Have you ever been able to read or write or sign your own name?
A No sir.
Q Now when this Mexican Governor took you and paid Col. Bryant $113.00 from that time on did he make any statement to you of how much you had earned or how much his account was? A No sir only told me to come to the ranch and work he would give me $6.00 per month.
Q Did you take your family with you? A Yes sir.
Q Did you ever work out there for him? A Yes sir.
Q Did he ever make any statement to you about how much principal and interest amount to and how much he owed you? A Never did.
Q And when this Jew came along he got $250.00 from him? A Yes sir.
Q Do you know how long you had been with the Governor when the Jew came along? A Something near 6 years.
Q Then you worked you think how long for the Jew merchant? A I think about 15 months until I worked out $250.00 at $16.00 a month.
Q That was for yourself and wife? A Yes sir, got $8.00 a piece.
Q And you think that was about 15 months? A Yes sir.
Q Then you stayed there 3 months more to get something to go away on that would make 18 months? A Yes sir.
Q Then you went over the line and worked there 18 months? A Yes sir I went on a sheep ranch and worked there about a year.
Q Who was that for? A The Mexican Governor.
Q That was in addition to the time before stated you worked for him? A yes sir he took me off of the ranch and put me on a sheep ranch one year.
Q That would be 6 or 7 years youm worked for him? A I would not be surprised if it wasn't 8 or 9 years.
Q Then you don't know how long you were over there? A I don,t know, after staying there so long, I had a little girl by the name of Almira that died there, she was 6 I think when she died.
Q You spoke about having gone over to Tahlequah to council, Mr. Hastings was asking you about a man Butler that testified for you over there, did you meet him at Tahlequah? A No sir I met him at Gibson, he went on and on and said for me to come on and tell them what I knew about it.
Q You came back first to Muskogee then went over in the Cherokee nation? A Yes sir.
Q When did you see Butler after that time? A I come here and went down where I found mother and stayed one year until next fall, and then I saw Mr. Butler.
Q You had been here then one year or a little more when you went to Tahlequah? A Yes sir.
Q And when you got there you found Mr. Bushyhead was Chief? A Yes sir.
Q Did you tell Butler when you come back? A Yes sir.

Q Then you mean that it had been about a year from the time you landed here or a little more when you saw Butler over there?
A Yes sir.

BY THE COMMISSION:
Q When you started to Mexico with Col. Bryant at the close of the war how many children did you have? A Lets see, I had Lewis, Abraham, Tom, Nancy, Burrell.
Q You had those children before you started to Mexico? A Yes sir before I started from there back.
Q Now I am talking about the children you had before you went there? A I had then Lewis, Abraham, Tom and Nancy and Andy.
Q You had those children before you went to Mexico? A Yes sir.
Q You say you started down to Mexico with Col. Bryant at the close of the war? A Yes sir.
Q How many children did you have when you started down there?
A I had Lewis, Abraham, Tom, and Nancy and Andy.
Q How many of those children are living now? A Lewis is dead and Nancy, and Abe, I don't know where he is.
Q Did you leave Abe in Mexico? A Left him in San Antonio.
Q What children were born in Mexico? A Burrell was born there, the others died and were burried there.
Q Give me their names? A Elmira, Ruthie, Burrell was the next
Q After you came back to Texas how many children were born to you?
A Mack and Lizzie and Robert. Mack was twins, his mate died after he was born, then next Lizzie was born and then Robert after her. That was all born in Texas.
Q You haven't had a child born to you in the Cherokee Nation since the close of the war have you? A No sir.
Q Is your wife Miranda living? A No sir she is dead.
Q When did she die? A In August, 1903, I think.
Q Is Robert living? A Yes sir.
Q What about Thomas? A He is here.
Q And Mary, his daughter? A She is here.
Q And Louella, his daughter? A She is here.
Q What about the grand-daughter, is she living? A Yes sir.
Q Is your son Andy Daniels living? A Yes sir.
Q Where? A About a mile above me on Caney River.
Q Is his children all living? A Yes sir.
Q Do you know whether all of these are living or not, Millie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, and Ruth?
A Yes sir, they are all living.
Q Is Lizzie Shafer living, your daughter? A Yes sir.
Q Has she a child called Arlena? A Yes sir.
Q Is that child living? A Yes sir she has got three more now.
Q What about Mack is he living? A Yes sir.
Q Has he a child called Wady? A Yes sir.
Q Have you a child called Lizzie Haynes? A Yes sir, that is my daughter.
Q Has she two sons, Burrell and Amos living? A Yes sir.
Q What about Mary Hill, she your child? A Yes sir.
Q Has she got two children, Alice and Adam? A Yes sir they are living.
Q What about Burrell H., is he living? A Yes sir.
Q Are all these children and grand-children of yours lived in the Cherokee Nation for the last 4 or 5 years? A Yes sir, it has been longer than that for the last 10 or 15 years.
Q All of them? A Yes sir, all that is living, all the oldest ones.
Q They have always made their home in the Cherokee Nation during the last 10 or 15 years? A Yes sir.

BY MR. HASTINGS:
Q What is Thomas Daniels wife name? A Her name is Priscilla.
Q Where did he marry her? A When we come to Fake County, Texas.
Q What is his oldest child's name? A I have forgotten the oldest child's name, it is dead.
Q How long , was it named Mary? A Mary is here.
Q Did he have one older than Mary? A Yes sir, I think so.
Q Where did that child die? A I think he said she had one child died, I left him at Fake County.
Q Where was Mary born? A She was born in Fake County.
Q Where was Louella born? A In Fake County, all born in Fake County.
Q Then Tom Daniels and his family came up here 5 or 6 years ago?
A Tom came before they did and stayed a year or so and then went back and got them.
Q Then he didn't bring his family until 5or 6 years ago? A No sir he didn't.
Q Whose daughter is Julia? A Mary's daughter.
Q Where was she born? A Up on Caney River.
Q Is her mother a State woman? A I think so.
Q They don't claim through her mother, Thomas's wife? A No sir she died before he left Texas.
Q When did Tom first come here himself? A I couldn't exactly tell you, Tom was here before the Creek payment.
Q Before that payment of 1897, the Kern-Clifton payment? A Yes sir before that.
Q Had his family come then? A No sir left his family.
Q About how long after that payment which was in 1897 before his family come? A He come here 5 or 6 months before the payment.
Q You said he come but not his family, how long after that before his family come? A It was after the payment sometime.
Q Well how many years afterwards? A I don't know how many years after.
Q Well your best judgment? A I couldn,t tell you ~~xx~~ to save my life exactly how many years after, it was.
Q Has he been here two years I mean with his family? A Yes sir he was here before the payment.
Q How many years has he been here with his family? A He went back after the payment and got his family.
Q How many years after the payment before he brought his family here? A I don't know, it may have been 3 or 4 months, or 5 or 6 months.
Q Where did Andrew Daniels marry? A He married a year I left Texas.
Q Who did he marry, some colored girl in Texas? A Yes sir.
Q He don't claim for these children there with him? A I don't know.
Q Does Andrew,s wife claim citizenship here by virtue of her being a slave of a Cherokee citizen? A She don't claim to be a citizen only by marriage.
Q Where was their oldest son Willie born? A After they got here.
Q Did he and his wife come here when you and your folks come?
A Come with me.

BY THE COMMISSION:
Q Do you know the husband of Lizzie Haynes and the father of the children, he is a state man is he? A Yes sir.
Q Do you know Mary Hill's husband? A Yes sir.
Q Is he a State man? A Yes sir.

Q He doesn't claim any right as a Cherokee freedman? A No sir.
Q Do you know the father of Julia Daniels? A A state man named Dickson.
Q Do you know Jack Daniels wife? A Yes sir, she is a State woman.
Q Do you know the husband of Lizzie Shafer, is he a State man?
A Yes sir, but his mother claimed he has a right, she claims he was put on the roll, I don't know.
Q Is Shafer here to day? A No sir.
Q This Dora Daniels, the wife of Andy Daniels, and the mother of the children on card 395 is a Texas State woman? A Yes sir.

W I T N E S S E X C U S E D.

TOM DANIELS, being first duly sworn, testified as follows:

BY MR. BLUE:
Q What is your name? A Tom Daniels.
Q What relation are you to Burrell Daniels, who has just testified?
A He is my father.
Q Do you know your age Tom? A No sir, I don't.
Q Do you know about how old you are? A I have an idea I am somewhere in the neighborhood of 50.
Q Do you know Col. Bryant? A Yes sir I did.
Q If you recollect, where did you first see him? A When I first opened my eyes to look at the gentleman is when I was on the way to old Mexico. He used to make me sit and fan the flies off of him while he was asleep.
Q You remember him then do you? A Yes sir you bet I do.
Q Do you remember anything about where you started to go to old Mexico? A We started from some plantation in the Cherokee Nation I don't remember exactly where it was.
Q Do you remember anything about being in the Choctaw nation about that time? A No sir I don't recollect about the Choctaw nation.
Q If you remember, about where were you on your way to old Mexico when you first remember Col. Bryant, if you can fix any particular place, do so? A I remember of being on the road but I can't pla ce just exactly where it was, we were camped you know.
Q Do you remember how you travelled on that trip to old Mexico?
A Yes sir we travelled, it was in a train of wagons.
Q How did you yourself travel? A I was in a wagon.
Q were there any horsemen that accompanied the party? A I think there was a committee along, they stayed to keep the Indians off of them they said going across the plains to Mexico.
Q Do you remember much about that? A No sir I don't remember so much about it.
Q Do you remember any places in that route by the name of Fort Stockton? A Yes sir, I remember Fort Stockton, Fort Clarke, and Fort Davis.
Q Were these places on the route to Mexico that you travelled?
A Yes sir.
Q Were you large enough at that time to ride a horse? A I don't exactly remember whether I was or not, I might have been.
Q Do you remember being in old Mexico? A Yes sir, I do.
Q At what place in old Mexico do you first remember? A Chihuahua.
Q Do you remember any other place that you lived at in Mexico?
A Yes sir, we were at out on a sheep ranch for several years, I was a great big boy when we left there.

Q About what size boy were you when you left the sheep ranch? A I was a great big boy, about a half grown boy.
Q Do you remember of returning to Texas from old Mexico? A Yes sir I do.
Q To what place did you return in Texas when you left old Mexico?
A The first place was San Antonio, Texas.
Q About what size boy were you when you got there? A I ought to have been a good size child.
Q Do you remember about that? A Yes sir.
Q What did you do after you came to San Antonio? A I worked around my father would keep me hired out first one place then another, working for a salary until he left there, didn't stay there very long .
Q Do you remember whether or not you left there with him? A Yes sir I did.
Q To what place did you go with him? A Out west of San Antonio to some man's ranch they called Johnsen.
Q How long did you remain there? A About two or three years, somewhere along there.
Q Did you live there with him? A Yes sir, I did.
Q To what place did you go then? A We went back to San Antonio after that.
Q How long did you remain at San Antonio after that? A I didn't stay there no time, I went south.
Q To what place? A I was down there way below Wimer, down to a placed they called,---I forget now the name of the place.
Q Where did you leave the old gentleman when you separated from him?
A In San Antonio.
Q After you left him there how long was it before you saw him again? A I don't know but I was working for a man named Hill when he moved up there.
Q Where did you next see your father after you separated from him at San Antonio? A I come to see him onde before he left there to come to the nation.
Q Do you remember where you saw him at the last time before he came to the Nation? A Yes sir.
Q Where was he? A On the Hill farm.
Q Where was that? A In Texas.
Q Near what town? A Wimer, Texas.
Q Did you remain there with him? A No sir I didn't, I went off.
Q After you saw him at that ranch there in the neighborhood of Wimer, Texas, where did you next see him? A I saw him here.
Q At what place? A Up here on Caney River.
Q In what nation? A CoowescoCowee District, Cherokee Nation.
Q When was that? A That has been several years ago.
Q Had you moved up here then? A Yes sir I had moved, I didn't know where they were until---
Q Where were you living at that time? A Way below Wimer on a placed they called Navidad.
Q Did you bring your family up here with you when you came that time? A I brought two children along.
Q Did you leave them here or not? A They are here.
Q With whom did you leave them here in the Cherokee Nation? A I left them with my father.
Q What did you do after you came up here and left those children?
A I helped the old man farm and worked around first one place then another.
Q Did you go back to Weimar again? A Yes sir, after I brought my children up here see.
Q Were you up here before you brought any children up here, yourself?
A Yes sir.

Q How long before you brought these two children up? A I was up here a month or so, I guess it was longer than that.
Q were you up here at the time of any payment? A Yes sir, I was.
Q What payment was that? A It was the payment that was paid off up here at Lightning Creek.
Q Were y u here before that time? A Yes sir.
Q How long? A Three or four months I expect.
Q How soon after that payment was it you turned back to the neighborhood of Weimar, Texas? A I went right away as quick as I could get a little money together and went down there to get my children, when I first come up here I come to see where my people were, I was considered lost from them.
Q Having found them here, you say you returned to the neighborhood of Weimar, Texas, then what did you do? A I didn't do anything but go right down there and get these children and come right back.
Q Were those all the children you had? A Yes sir.
Q was your wife living at that time? A No sir she was dead.
Q Was she a State woman or freedman? A State woman.
Q Have you since that time married again? A No sir.
Q What are your children's names? A One is named Louella, and one named Mary.
Q About what time did you come back to the Cherokee Nation with those children? A Kinder long up in the year I guess.
Q You mean in about the same time in the year you were up to see your father at the time of the payment? A Yes sir.
Q Where have you resided since you brought those children up to the Cherokee Nation? A At my father's and down here at a fellow----
Q Have you resided in the Cherokee Nation since you brought those children up here? A Yes sir.

Commission: The Lightning Creek payment referred to by the witness is the Kern-Clifton pay roll.

Q What is your recollection about the date of that payment, do you remember what year it was in? A I think it was between 7 and 8 years ago.
Q During the time you resided in Texas after your return to Mexico did you become a citizen of Texas? A In what my way.
Q Did you keep a home in Texas to which you intended to reside?
A No sir, it was my father's talk after he got away from Mexico he would lay down and talk about going to come home and get up a talking about wanting to come home.
Q Where did you intend to return to? A I claimed my home right where I heard my parents talking about, and that was in the Cherokee Nation.
Q What purpose did you have in coming up here the time you first came? A I come to see where my people were, the left me and I didn't have any trace of any of them to know where they were, and I just get on the track of them by travelling, there was a boy stayed down here at Checotah named William Johnson he got acquainted with my father, when he stayed down here, and he was the one that told me where my people were you know, and if he hadn't told me I don't know as I would have known yet where they were.
Q Were you ever at any time naturalized and made a citizen of Texas or any other State? A No sir.
Q During the time in Mexico, did you become a citizen over there?
A No sir.
Q About how old were you when you left Mexico? A I guess I was about 12 or 13 years old, maybe 14.
Q Have you any judgment as to what your age was at that time? A
A No sir.

Q How old do you think you are now? A I think I am pretty close to 50 if I aint already 50, our father don't know much about our age cause he never kept no record of nothing.

BY MR. HASTINGS:

Q Your best judgment is that you were 12 or 13 years old when you left Mexico and went to Texas after the war? A Yes sir.
Q And you think you are about 50 now? A Right at 50.
Q Where were you married Tom? A I was married down in Texas.
Q At what town? A I was married near La Grange, Texas.
Q Were you living on a farm or in town? A On a farm.
Q Were you living with your parents then? A No sir.
Q About how old were you when you were married? A I don't know I ought to have been very near grown when I married.
Q What was your oldest child's name, didn't you have one to die?
A Its name was Aleck.
Q Where was he born? A In Texas.
Q Near what place? A Near Weimar, Texas.
Q About 8 or 9 miles of Weimar? A Yes sir.
Q What were you doing out there? A Farming.
Q For whom? A I don't know the man's name.
Q Where was Mary born? A She was born in about 8 or 10 miles of Weimar.
Q Where was Louella born? A Not very far from the same place.
Q What was the first President you ever voted for, Grant? A If I voted at all I guess I voted for Grant.
Q ~~xxWhatxxgrxxxxxxixdidxyxxxxxx

Q But you came before the payment? A Yes sir.
Q Did you go before [illegible] or after that payment? A I come before the payment.
Q I am trying to find out how long before the payment, the payment made out there at Lightning Creek? A About 5 or 6 months before the payment.
Q Where was your wife? A She was dead.
Q Where did she die? A She had been dead several years.
Q Where were your children after your wife's death? A I kept them with me.
Q You never remarried? A Yes sir.
Q Did you marry the second time in Texas? A Yes sir.
Q Your wife and these children were still in Texas when you come up here just before the payment? A Yes sir.
Q And you never brought her or these children up here until after the payment? A No sir.

BY MR. BLUE:
Q About how long were you in old Mexico all together? A To my best recollection it seems to me that we ought to have been in old Mexico about 8 or 10 years I think.
Q If you were there 8 or 10 years how old were you when you went into old Mexico? A I guess two or three years old.
Q How old? A 3 or 4 or 5 years old.
Q You were big enough to keep the flies off of the old Colonel when you were going down there? A Yes sir.
Q What is your best judgment as to how old you were when you got into Mexico? A I think I was between 5 and 6 years old.
Q You say you did vote sometimes in Texas? A Yes sir.
Q About how many years had you been in Texas before you voted, do you remember? A I was in Texas several years before I voted.
Q Do you remember the month in which you returned with your wife and children? A No sir, I don't.
Q Do you remember what season of the year it was when you came back with them? A Yes sir, it was along in the spring of the year.
Q In crop time? A Yes sir.
Q Did you make a crop that year in the Cherokee country after you come up? A No sir I didn't make any crop, I helped the old man to make a crop at home, my best remembrance I think it must have been along about this time when I come back.
Q Along the latter part of May or first of June? A Yes sir.

BY THE COMMISSION:
Q How many years before you came up to the Cherokee nation in 1897 did you see your father? A About 15 years to my best judgment.
Q And where was your father living at the time you saw him? A In Goowescoowee District up here in the Cherokee Nation.
Q I am talking about down in Texas the last time you saw him?
A On the Mill farm.
Q Was that near Weimar or near San Antonio? A Near Weimar.
Q At that time you had a home of your own, you were married at that time? A Yes sir.
Q You were not living with your father? A No sir.
Q How far from his home were you living at that time? A About 15 or 20 miles.

W I T N E S S E X C U S E D.

ANDY DANIELS, being first duly sworn testified as follows:

BY MR. BULGER:

Q What is your name? A Andy Daniels.
Q Are you some relation to Burrell Daniels? A I am his son.
Q Where were you born Andy? A I was born somewhere about Doaksville.
Q Where is that? A Somewhere on Red River in the Choctaw Nation.
Q How old are now about? A I think I am about 41.
Q Where were you when you can first recollect? A I was in Mexico.
Q What part of Mexico? A I couldn't tell, I have heard.
Q In a town were you? A Yes sir.
Q How long did you stay in that town until you left it? A I was quite small but that time I couldn't really give; I guess it was somewhere along about 5 or 6 years.
Q Where did you go from that town? A To San Antonio.
Q Do you recollect distinctly of arriving in San Antonio? A Yes sir.
Q About what age were you then, how large a boy? A I was getting to be a pretty good size boy I guess.
Q About how old, give your best judgment? A About 10 years old.
Q What did you do, or did you do anything in San Antonio in the way of work? A I commenced working around there in a hotel a little.
Q What did you do in the hotel? A Wash dishes.
Q How long did you wash dishes in a hotel in San Antonio? A I don't know, not very long.
Q Were you living with your father and mother at that time? A Yes sir, they hired me out.
Q When did you leave San Antonio? ~~A~~ And how long after you had been there did you leave the place? A To my best judgment I think we had been there about a year.
Q Where did you go? A Went out west.
Q How far west? A I don't know, 25 miles.
Q Did your family move out with you? A My mother and father went out there.
Q What did you do out there, your mother and father and you?
A My father rented a farm there from a Mr. Johnson.
Q How long did you farm for Johnson? A We made two crops for him.
Q Where did you go from Johnson's? A We come back to San Antonio.
Q Then how long did you stay in San Antonio? A I don't think we stayed there much over a year, I think we left there along in the fall.
Q Where did you start for? A I couldn't hardly tell you, I was pretty young then.
Q Did you go away with the family from San Antonio? A No sir.
Q Where did you go? A I got around there among the boys and stopped there.
Q Did the family leave you? A Yes sir.
Q And when did you next see the family? A It must have been about a year before I saw them.
Q Where did you see them at that time? A There on Hill's place.
Q Where is that place? A On Colorado River close to Weimar, Texas.
Q Did you go down to your parents? A Yes sir.
Q How long did you remain there? A I think I made a crop there, rented a little piece of ground and he furnished me a yoke of cattle and I worked for myself and gather it and I left them there that fall.

Q "bout how old were you at this time? A I don't know.
Q Were you a grown man? A I don't know.
Q What is your best judgment of your age at that time? A About 19 years old.
Q Did you go some place from that Hill farm? A Yes sir, came up here.
Q Do you remember what year you come here in? A No sir.
Q What nation did you come to? A We came to the Cherokee Nation, landed here in Muskogee and there was a fellow that used to live here by the name of Tom Windy, and we had enough money to pay him to haul us down to Nivens Valley, my grandmother lived down there.
Q Have you lived in the Cherokee Nation continuously since your return? A Yes sir.
Q When you were in Texas did you ever hear your father and mother speak about coming back to the Cherokee Nation? A Ye sir, I have heard them talking lots of time.
Q What would they say? A I have heard the old lady talking about Grand prairie and naming different places here in the Cherokee Nation, how they used to travel and how bad they wanted to come back.
Q Have you any recollection about the date when you arrived in the Cherokee Nation? A No sir.

BY MR. HASTINGS:
Q You don't know what year you come here in? A No sir, I don't.
Q You don't know what year this is? A Well I guess I do.
Q Well tell it? A Looking at the almanac I suppose it would be about 1905.
Q Do you know how old you were when you come here? A No sir
Q were you about 21? A No sir, I was somewhere along about 19 when I come here.
Q Do you know? A No sir, don't know that hardly.
Q Well did Tom come then? A No sir.
Q When did Tom first come? A He came sometime since then.
Q About what year did he come? A He has been in here 4 or 5 years I guess, as well as I can remember.
Q Do you know about how old young Burrell H. Daniels is? A I don't know sir.
Q What is your best judgment? A I couldn't tell you cause I don't remember when he was born.
Q Do you know where he was born? A He was born in Mexico.
Q Do you know how old he was when you left Mexico? and came over to Texas? A I don't know.
Q Was he a baby? A Yes sir, a pretty good size baby, about 6 or 7 years old I guess, or a little over.
Q When you left Mexico and come to Texas? A When we left Mexico and come to San Antonio.
Q Burrell was 5 or 7 years old? A I guess he was, I don't know when he was born.
Q If your father states he was 6 months old, he is mistaken?
A I don't know, I was just guessing at it.
Q Where was Lizzie born? A She was born out there at Johnson's.
Q In Texas? A Yes sir, out west of San Antonio.
Q Where was Jack born? A In San Antonio.
Q Where was Lizzie Haynes born? A I think she was born out at Johnson's, too.
Q Where was Mary Hill born? A In San Antonio.
Q How old do you say that Lizzie Shafer is? A I don't know sir how old she is.
Q Got no idea at all? A No sir.

Q Do you know hold old Lizzie Haynes is? A No sir, I don't.
Q Got no idea, none at all? A No sir.
Q But you know that Jack and Mary, and Lizzie Haynes and Lizzie Shafer, those four were born in Texas weren't they? A Yes sir.
Q Did any children die who were born in Texas to your father and mother? A There was my oldest sister died there in San Antonio.
Q Any that was born in Texas, was she born in Texas? A No sir she was born in the nation.
Q Beforethe war? A I don,t know when it was.
Q You were born in the Cherokee Nation but you never was in the Cherokee Nation until you were 19 or 20 years old? A Well I suppose that was my age.
Q You never was here before that? A No sir.

BY THE COMMISSION:
Q Did you go with your father to the Cherokee Nation? A Yes sir.
Q Who was in that party? A Mary, and Jack, Robert, they all came up with him excepting Tom.
Q Tom and his family? A Yes sir.
Q Did your mother come? A Yes sir.
Q What was your wife's name? A Dora Daniels.
Q Is she a state woman? A Yes sir.
Q You married her in Texas, did you? A Yes sir.
Q Did your wife, Dora , come with you and the children? A Yes sir.
Q How many children come with you to the Cherokee Nation? A None.
Q All born in the Cherokee Nation? A Yes sir.
Q How long were you married before you come to the Cherokee Nation?
A Just as soon as we got the crop gathered.
Q Are these children all living? A All living.
Q Your wife doesn:t claim any rights as a Cherokee freedman, does she? A No sir.
Q Whatever rights they claim, they claim through you? A Yes sir.

BY MR. BULGER:
Q Why did you and your father and his family come to the Cherokee Nation when you did come? A He made a kinder of a come out that year with a little money so we could travel.
Q Why had you not come before that time? A Never had been able to , never had made enough to travel any distance, all we could do was to live.
Q How did you happen to come out with more money that year? A I think they made different arrangements in raising the crop and had pretty good luck that year with the crops.

BY THE COMMISSION:
Q Did you always stay with your parents up until the time you were married? A All excepting that year I stopped off in San Antonio
Q Were you living with your father when you married? A Yes sir.
Q You and your wife stayed on that same farm with your father?
A Not exactly on that farm but on the same man's farm.

W I T N E S S E X C U S E D.

JOHN CROSS, being first duly sworn, testified as follows:

BY MR. BULGER:
Q What is your name? A John Cross.

Q Where do you live? A 8 miles east of Fort Gibson.
Q How old are you? A I suppose I must be about 50 years old.
Q What is your business or occupation? A Farming.
Q How long have you been farming? A I have been farming all my days.
Q In what country and states have you farmed? A I farmed in Texas the first of my farming was down in Texas.
Q How long did you farm in Texas? A I really don't know just exactly how long I couldn't just get at it, just how long, but it was quite awhile.
Q Did you own a farm in Texas of your own? A No sir.
Q How did you farm? A I worked on the halfers.
Q What do you mean by working on the halfvers? A I mean they furnished everything and give me half of the crop, and would get rations from a commissary, and they get their pay for it out of my part of the crop.
Q To whom did the commissary belong? A To the boss of the place.
Q Did you farm in the same neighborhood in Texas where Burrell Daniels did? A No sir.

W I T N E S S E X C U S E D.

BURRELL DANIELS RECALLED:

BY MR. BLUE:
Q During the time that you were in old Mexico as you have heretofore stated, did you, at any time, vote there? A No sir.
Q Did you take out any naturalization papers there and become a citizen there? A No sir, never did.
Q Have you ever at any time taken out any naturalization papers and become a citizen of any other state or country then the Cherokee Nation? A No sir.
Q Did you ever vote in Texas? A Never did.

BY MR. HASTINGS:
Q Never voted in the Cherokee Nation did you? A Don't know as I ever voted here either.

BY THE COMMISSION:
Q You testified that at Fort Stockton there were several Cherokee slaves there, do you know whether any of them are living now besides those of your own family? A Yes sir, some of them left and went to El Paso.
Q Did any of them ever return to the Cherokee Nation? A Not as I know of, went to El Paso most of them did.
Q I am asking about these slaves that were with you at Fort Stockton, not a one returned that you know? A No sir.

W I T N E S S E X C U S E D.

A P P L I C A N T R E S T S.

R. W. LINDSEY RECALLED:

BY MR. HASTINGS:
Q You are the same witness that was on the stand in this case this

morning? A Yes sir.
Q Is it true that Burrell Daniels life was threatened or that he was compelled by Col. Bryant or any one acting in his behalf to start with him to old Mexico from the State of Texas after the war?

Mr. Blue: I object to that as being incompetent, immaterial, and irrelevant and is calling for a conclusion of this witness and not attempting to get any facts in the case.

A No sir nothing of the kind that I am aware of or ever heard tell of, everything was amicable.
Q Did Burrell Daniels desire to go with Col. Bryant to Mexico?
A Yes sir, he seemed that way.

Mr. Blue: I offer the same objections as above.

Q Was he advised that old Mexico was a free state and was that your understanding at that time? A I don,t know what advice but it was understood that Mexico was a free state.
Q Was there any soldiers taken along with Col. Bryant to guard these people to keep them from running away? A No sir.
Q At Fort Stockton were the colored people lined up and compelled to sign agreements and was Burrell Daniels compelled under threat of having his life taken of signing that agreement to pay Col. Bryant for his transportation for himself and family over to old Mexico?

Mr. Blue: I offer the same objections as above.

Q If Burrell Daniels stated that, is that true? A

Mr. Blue: Same objections.

A No sir.
Q Were ahy threats made against his life at that time?

Mr. Blue: same objections.

A No sir.
Q The applicant just made a statement here to the effect that Col. Bryant got about 1500 head of cattle and drove them across there into old Mexico, I am frank to say that I don't see that that cuts much figure in this citizenship matter, but I want to ask you if that is true? A No sir

Mr. Blue: I want to object to that for it contains a suggestion of the council, and same reasons as above.

Mr. Hastings: In answer to the above objection council for the Cherokee Nation desire to state that this question is asked purely for the purpose of contradicting the other witness, and while it is upon an immaterial point, yet if this other witness would go so far as to make such an absolute false statement as the one he did make with reference to these cattle, it would be a tendancy to show the Commission and the Secretary of the Interior of the false statement of this witness.

Mr. Blue: In reply I desire to say it is wholly gratuitous for he cannot be impeached upon an immaterial question, and further than that the present witness is quite as impeachable as the other witness.

Q Did he have any cattle other than you said? A No sir, he had a few milk cows and some beef cattle.
Q And you say it is absolutely without foundation? A Yes sir, without foundation and false.
Q And you say it is absolutely without foundation and it is false that he was compelled to go to Mexico or compelled to sign this contract? A Yes sir.

Mr. Blue: I object to that, it is incompetent, immaterial, and irrelevant, is a leading question and I object to it on that ground.

Q Did Col. Bryant have any soldiers along with him at all? A As I said I thought there was 10 or 12 men that some 4 or 5 of them had belonged to some other command, I don't think there was but one man that belonged to his regiment.
Q And they just went along as a party? A Yes they knew him.
Q Did you hear any remark made by Col. Bryant to the effect that Burrell Daniels would be killed and the wolves would eat his bones if he didn't sign that paper at Fort Stockton? A No sir.
Q You were there when it was signed, witnessed it? A Yes sir.
Q You say that Burrell Daniels was given his discharge papers by Col. Bryant at that time? A Yes sir, before he signed the others.
Q Was he told that he was a free man at that time? A He says this is the first act Burrell that you have done as a free man. There was me and a few of the members of Mr. Bryant's family, and about two other men besides myself when it was going on.

BY MR. BLUE:
Q Was there any men of adult age that was along with you at that time that hadn't been in the Confederate army? A I don't think there was, there might have been.
Q The fact is that all of these men that were of sufficient age had been in the Confederate services and were all ~~hiring~~ leaving the country because they didn't like to stay here with the Yankees? A Well, I don't know.
Q You were leaving for that purpose? A He might have left for that purpose.
Q Your father-in-law and his four sons-in-law all of whom had been in the Confederate army were going to old Mexico? A Yes sir.
Q And Lieut. or Capt. Stewart was along? A Yes sir.
Q And these two officers of his regiment? A No sir, only one officer of his regiment Lieut. Thomas, and Mr. Powell belonged to Col. Bryant's regiment, Capt. Stewart belonged to the First Texas regiment.
Q We had some Confederate soldiers along with him? A I don't know whether you would call them soldiers or not.
Q And all these men including your father-in-law and his sons-in-law were along, were they? A Yes sir.
Q And Col. Bryant freed these people at Fort Stockton about 200 miles from any settlement? A Yes sir.
Q And they had no teams or anything of conveyance? A Yes sir.
Q Do you not think, Mr. Lindsey, that it was a very singular proceeding for the former master and owner of slaves at such a place as Fort Stockton, many miles from any settlement in a comparatively desert country and without any means of conveyance or anything to subsist on until they could get to a settlement to go through the forms of releasing them from slavery there, and then ask them to ~~sign~~ sign a contract to work for him in old Mexico until they could pay him a bill for carrying them from Texas over into old Mexico?

Mr. Hastings: Objected to because this question is purely a matter of argument and is not cross examination of any fact of its development.

A From one aspect it would look to be peculiar, but I will state, as I have foremerly stated that from the start from Warren, Texas, that with those people it was all entirely amicable and that there was no friction whatever at all existed between Col. Bryant and his slave, Burrell, that there was as mutual understanding as could be between master and slave.

Q Under this contract about which you have testified, which was agreed as I understand it that Burrell Daniels signed by his mark, a contract agreeing to pay Col. Bryant $500.00 for conveying him and his family over to old Mexico from the starting point in Texas? A All correct except the amount, I don't know about that, I don't remember the amount.

Q Were you present when this case was tried in the Mexican or French courts as they had there? A No sir.

Q Do you know anything as to the amount Col. Bryant claimed when he got into Mexico? A I do not know sir.

Q You say under that contract he enforced that contract against Burrell Daniels in Mexico and collected the money on it? A Yes sir.

Q Now you have stated about some cattle, is not it a fact that Col. Bryant, before he started to old Mexico traded some slaves for some cattle? A Yes sir.

Q You know Mr. Baugh? A Yes sir.

Q How long have you known him? A About 51 years nearly.

Q If Mr. Baugh stated in his testimony that Capt. or Lieut. Stewart had a company of 15 or more of men with him there, he was mistaken?

Mr. Hastings: I want to object to that because that is not his statement and the record will not show so, but the record will show that a number of men were along, but therecord will not show that he had a company of men.

Q If MR. Baugh did state in his testimony in this case today that there were a number of armed men along with this party with Lieut. or Capt. Stewart, in your trip to old Mexico, he was mistaken was he? A Yes there was a number of men along and armed, and Capt. Stewart was along but he had no command and did not act as commander, he was or had been a Captain and was called Captain.

Q If I understood you this morning you stated that all the party that was at Fort Stockton crossed over into old Mexico with you, am I right about that? A About making that statement, I don't remember but about all the party that was at Fort Stockton, not exactly all there was a few that came from Missouri, they joined us but didn't go on to Mexico.

Q Didn't you state this morning that all the party that was at Fort Stockton crossed over into old Mexico? A I don't know whether I did say it or not, I might have.

Q If Mr. Baugh stated on the stand today that a part of the boys of the company that was along in that march from Texas to old Mexico, left it was incorrectly? A Yes sir.

Q There were some men along that didn't have any arms? A It is possible, there might have been there was a transent party along.

Q Did your party take any cattle into old Mexico with you? A No sir.

Q Did any parties join your party with some cattle after they started? A Yes sir.
Q Who were they? A Capt. Stewart, Major Hanlin, and a man they called Johnson, and a young man called Poe, and Lieut. Thomas and Dr. Powell.
Q How many cattle did they have? A Something like 200 maybe a little more, or little less.
Q Then after all there was a herd of cattle along there with you besides the cattle of Col. Bryant? A Yes sir
Q You don't know how many head there was of them? A From my best recollection there was some 200 maybe more or less.
Q You don't swear to the exact number? A No sir, I never counted them.
Q Wasn't Capt. Stewart and this man with you before they went back after those cattle? A No sir.

BY MR. HASTINGS:
Q Did Col. Bryant have anything to do with those cattle? A No sir.
Q What relation was that with Indians? A It was a pretty good country for Indians, I recollect once where the Indians run off and left a place.
Q You people went armed as individuals but there was no company of soldiers? A Nothing of the kind.

BY MR. BLUE:
Q Where was that you jumped up these Indians? A Up on the head of what they called Brady Creek.
Q How far was that from Fort Stockton? A Somewehre between 75 and 100 miles.
Q And that was the country in which Col. Bryant freed his slaves? A Yes sir.
Q Did they have any arms to protect themselves? A I didn't see any.
Q No means of protection or nothing to eat? A I have answered that two or three times.

BY THE COMMISSION:
Q How far did you say Stockton was from Chihuahua? A I couldn't say exactly, about 400 miles.
Q How long did it take you to travel from Fort Stockton to that place? A We travelled at the rate of 15 or 20 miles per day, perhaps we were on the road 15 or 20 days.
Q Do you mean that was on the travelled route? A Yes sir.
Q How far has the crow flies, how far is it? A Perhaps I struck off a good deal, about 200 to 250 miles perhaps.
Q There was no railroads at that time? A No sir.

W I T N E S S E X C U S E D.

BY THE COMMISSION:

As far as the evidence this case is now closed, and the case is submitted on the record. By the consent and stipula-

tion of the parties the case will be written up and briefs will be allowed to be filed by the representatives of the applicant, and the Cherokee Nation then 15 days.

THIS CASE IS NOW CLOSED.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled and numbered cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 15th day of June, 1905.

Edward Merrick
Notary Public.

BEFORE THE DEPARTMENT OF THE INTERIOR,
Washington.

To the Honorable,
The Secretary of the Interior.

In the matter of the application of Burrell Daniels, et al., for enrollment as Cherokee freedmen (Cherokee freedman D-40).

A F F I D A V I T

UNITED STATES OF AMERICA,
Indian Territory, SS.
Northern District.

BETTY McCONNALL of lawful age being first duly sworn on oath says:

My name is BETTYMcCONNALL; my post office address is Chetopa, Indian Territory; I am about 60 years of age; I am a Cherokee freedman citizen of the Cherokee nation and am duly enrolled as such by the Commission to the Five Civilized Tribes, and am identified upon the authenticated Cherokee roll of 1880.

At the commencement of the rebellion, I was a slave of a Cherokee citizen, and when the rebellion ended I was under the charge of Col. Jool Bryant, an intermarried white Cherokee colonel in the Rebel army. In the Spring of 1865 we were camped - that is were living- at Shawneetown, I. T. we went from Shawneetown to near Dokesville over near the Kiamichi river. We went up to Col. Folsom's place northwest of Dokesville and from there Col. Bryant and his party of ex-confederate soldiers and women and children and slaves started south, and organized themselves into one of the bands of insurgent banditti that infested that country at that time. The rebellion was over and Col. Bryant and his party were afraid to go back to the Cherokee nation for fear that the United States would punish them for having aided the Confederacy, so they started to go to Mexico. It was a long way off from this part of the Choctaw nation to Mexico, but we all started - that is Col. Bryant and his party started and of course we slaves had to go along - and then too, we did not know that we were free.

Col. Bryant and his party took us south acoross Texas to an old abandoned fort they called Ft. Stocton. Here he lined us all up and told us that that the governemtn had made us free, but that he wasgoing to Mexico to keep away from the Yankees, and he made us touch a pen and sign some sort of an agreement to pay him for our transportation from the Choctaw nation to Mexico. Some of the men slaves said that they did not owe him any thing, and he told them that they did. We were all made to touch the pen and thus sign an agreement which none of us could read.

Burrell was on of the party, and as he was oneof the smartest of us slaves, and as our master thought and feared that he would have a bad influence on the rest of us, Col. Bryant told Daniels that if he did not like the agreement, and knew what we good for him, he would keep still. I was afraid that Col. Bryant would have Daniels shot, as he did not agree with the Col. about the treatment of us slaves.

We all went from Ft. Stockton southwest to the Rio Grande river; we crossed the river and went on to Chihuahau, Mexico. We camped in the outedge of this city a while, and while there, Col. Bryant sold some of his slaves to the Mexicans. I have since learned that the sales were made under a law known as the "Peon law", but we dod not know a thing about that or any other law, all we knew was that some of us slaves were sold the same as we had been back home.

I was never sold by Col. Bryant. We brought me back to the Cherokee nation in 1867. We did not get back until the fall of the year, but there was never any objection to my enrollment as Col. Bryant said that he had taken my out of the Nation, and brought me back, and that I was much entitled to enrollment as if I had been here all the time. I was enroll

ed, and have always bee recognized as a citizen of the Cherokee nation.

I make this affidavit, since I am informed that the Honorable Commissioner to the Five Civilized Tribes rejected the application of Burrell Daniels for enrollment as a Cherokee freedman, and said in his decision that Burrell Daniels and his wife VOLUNTARILY accompanied Joel M. Bryant and his party from Texas through Mexico.

I swear that this statement is as big an untruth as was ever told. I know and swear that none of us slaves volunteered to go to Mexico with Col. Bryant. I know and swear that Burrell Daniels was the most dissatisfied of us all at the fact that he had to go to Mexico.

Burrell Daniels had been a blacksmith and had had a shop of this own before the war and his master gave him a percent of all he earned. He was smarter than most of us, and Col. Bryant seemed to fear that he would cause him trouble, and told him that if he did any thing of the sort he would shoot him..

Now a statement that any of us slaves and more particularly Burrell Daniels voluntarially accompanied JOEL M. BRYANT to Mexico is not true. There is not a word of truth in it. I do not understand why the Commissioner would make such a statement.

I came back with Col. Bryant in1867, and did not know that Burrell Daniels had ever gotten back until a very short time ago. My son-in-law, John Rose, told me of the decision of the Commissioner wherein he holds that Burrell Daniels voluntarily accompanied Joel M. Bryant to Mexico, and told me that the Commissioner had rejected his application..

Now I make this affidavit to deny under oath that Burrell Daniles volunteered to go to Mexico with Col. Bryant. I deny such statement as a base falsehood, and swear that any one who makes such statement under oath, commits perjury.

We were all compelled by Col. Bryant to go with him. Some of us were sold by him after we go to Mexico. Daniels was among the first sold as Col. Bryant was afraid to have him around with us- he knew too much. And then he ran away from Col. Bryant and I never saw him any more. I did not know what had become of him, and did not know that he was alive and well in the Indian territory until a few weeks ago.

I am an old Cherokee freedwoman, and do not expect to live much longer, but if this is the last thing I ever say, I now say and swear that any statement by any one to the effect that Burrell Daniels VOLUNTARILY accompanied Col. Joel M. Bryant to Mexico is absolutely false.

her
Betsy X McConnall
mark

WITNESSES TO MARK,
Ida M. Hayden, Chautau, I. T.
W. L. Brown, "

Subscribed and sworn to before me this 9 day of November 1905.

I, the undersigned Notary Public hereby certify that Betty McConnall, who is personally well known tome to be a woman worthy of beli f made her mark to the above statement of facts, after I had read and explained them ot her, and that she made oath that the statements in this affidavit are true.

W. R. Samuel,
Notary Public

(SEAL)

My Commission expires Oct. 12, 1907.

Cherokee Freedman R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-o-o-o-o-o-

" WALLACE ROLL. "

"Office No.	Wallace No.	Names	Age	Sex	Residence
2314	245	Daniels, Burrell	60	M	Creek Nation
2315	245	" Miranda	61	F	" "
2316	247	" Burrell Jr.	18	M	" "
2317	248	" Mack	16	M	" "
2318	249	" Lizzie	14	F	" "
2319	250	" Robert	12	M	" "
2320		" Mary	10	F	" "
2321	251	Newton, Lizzie	8	F	" "

--:0:--

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on page 109 of the Wallace roll, and that said Wallace roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Burrell Daniels, et al. Cherokee Freedman R 40 et al.

Tams Bixby.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 25 1905

Cherokee Freedman R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

--:--

Census of _____ Citizens residing in _____ District, Cherokee Nation, Authorized by an Act of the National Council approved April 15, 1893.

No.	Name	Age	Male	Female	By whom Identified	Remarks
94	Burl Daniels	60	"			(Living in
95	Maranda Daniels	63		"	Elizabeth C.	(Creek Na-
96	Burrell Daniels Jr.	19	"		Thompson.	(tion.Never
97	Mack Daniels	17	"		J. Thompson	(lived in
98	Lizzie Daniels	15		"	by certifi-	(Cherokee Na-
99	Robert Daniels	12	"		cate	(tion since
100	Mary Newton	12		"		(1861.
101	Lizzie Newton	10		"		(
102	Mary Newton					(Orphan
103						(grandchil-
104	Andy Daniels	26	"			dren.
105	Willie Daniel	12	"			
106	Lewis Daniel	7	"			Living in
107	Thomas Daniel	3	"			Creek Nation
108	Susan Daniel	4		"		
109	Essie Daniel	2		"		

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on Page 4, Canadian District, Census Roll of 1893, and that said Census Roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Burrell Daniels, et al., Cherokee Freedmen R 40, et al.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 25 1905

Cherokee Freedman R 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Burrell Daniels et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

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CHEROKEE FREEDMAN PAY ROLL.

Roll No.	Office No.	Names	Age	Sex	P.O. Address
4505	4446	Daniels, Andrew	32	M	Cooweesc'Dist
4512	4447	" William, son	15	M	" "
4513	4448	" Louis, "		M	" "
4514	4449	" Tom "		M	" "
4515	4450	" Susie, dau.		F	" "
4516	4451	" Hassie, "		F	" "
4517	4452	" Minnie "		F	" "

4501	4453	Daniels, Burrell	66	M	Creek Nation
4506	4454	" Burrell Henry son	19	M	" "
4507	4455	" Mack "	18	M	" "
4508	4456	" Lizzie, dau	17	F	" "
4509	4457	" Robert, son	15	M	" "
4510	4458	Norton, Mary gr. dau.	16	F	" "
4511	4459	" Lizzie " "	12	F	" "
4504	4462	Daniels, Tom		M	On Orig. Age
			36		Coo-wee Dist.

Cherokee Freedmen B 40 et al.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Durrell Daniels et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-o-o-o-o-o-

CHEROKEE FREEDMAN PAY ROLL.

Roll No.	Office No.	Name	Age	Sex	P.O. Address
4812	4446	Daniels, Andrew	38	M	Coweeta Dist.
4813	4447	" William, son	16	M	" "
4814	4448	" Lewis, "		M	" "
4815	4449	" Tom "		M	" "
4816	4450	" Magic, dau.		F	" "
4817	4451	" Susie, "		F	" "
	4452	" Minnie "		F	" "

4801	4453	Daniels, Durrell	44	M	Creek Nation	
4802	4454	" Durrell Henry	son	19	M	" "
4803	4455	" Hank	"	18	M	" "
4804	4456	" Minnie,	dau	17	F	" "
4805	4457	" M. Roberts,	son	15	M	" "
4810	4458	Burton, Mary jr.	dau.	14	F	" "
4811	4459	" Lizzie "		12	F	" "
4804	4460	Daniels, Tom		18	M	Ok. Orig. Ter
				26		Coweeta Dist.

I hereby certify that the foregoing is a true and correct copy of certain words and figures found on pages 181 and 182 of the Cherokee Freedman Pay Roll, and that said roll is now in the lawful custody of this office.

And it is ordered that a copy of said words and figures be filed with and made a part of the record in the consolidated case of Harrell Daniels, et al., Cherokee Freedman R 40, 84 al.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 25 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee Freedmen, consolidating the applications of:

Burrell Daniels, et al.,	Cherokee	Freedman	R. 40,
Thomas Daniels, et al.	"	"	R 391,
Andrew Daniels, et al.	"	"	R 395,
Burrell H. Daniels,	"	"	R 390,
Lizzie Haynes, et al.,	"	"	R 393,
Mack Daniels, et al.,	"	"	R 392,
Mary Hill, et al.	"	"	R 394,
Lizzie Shafer, et al.,	"	"	R 396,

-:-

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Burrell Daniels for himself, his wife, Miranda Daniels, and minor son, Robert Daniels; by Thomas Daniels for himself and minor children, Mary and Louella Daniels, and minor grandchild, Julia Daniels; by Andrew Daniels for himself and minor children, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels; by Burrell H. Daniels for himself; by Lizzie Haynes for herself and minor child, Edward Haynes. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on January 29, 1902, of Amos Haynes, child of the applicant Lizzie Haynes; by Mack Daniels for himself and minor child, Mary Daniels; by Mary Hill for herself and minor child, Alice Hill. Thereafter, on May 12, 1902, there was filed with the Commission, an affidavit showing the birth, on March 10, 1902, of Loren Hill, daughter of the applicant, Mary Hill; and by Lizzie Shafer for herself. Thereafter, on June 4, 1902, there was filed with the Commission an affidavit showing the birth, on May 1, 1902, of Arlena Shafer, daughter of the applicant Lizzie Shafer.

THE RECORD FURTHER SHOWS: That, on January 18, 1904, the Commission rendered its decision herein, denying said applicants the right to enrollment as Cherokee freedmen; that on June 24, 1904 (Departmental letter I.T.D. 5040-04), said decision of the Commission was affirmed by the Department; and that, thereafter, on December 12, 1904, a motion for review was filed with the Department, on behalf of the applicants in this case, the same being submitted to the Assistant Attorney-General for his opinion thereon; that, on May 13, 1905, (Departmental letter I.T.D. 5330-05), the Department, in accordance with opinion of the Assistant Attorney-General, rendered May 9, 1905, rescinded its decision of June 24, 1904, and returned the record in this case with instructions to "institute a rehearing in the matter"; and that, on June 8, 1905, further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That all the applicants herein claim the right to enrollment as Cherokee Freedmen.

The following points in this case are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Burrell and Miranda Daniels, are the parents of Robert, Thomas, Andrew, Burrell H., and Mack Daniels,and Lizzie Haynes, nee Daniels, and Nancy Newton, nee Daniels, deceased; and that all the other applicants herein are descendants of certain of the above named persons, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

(2) That the applicants, Burrell, Miranda and Thomas Daniels,and Nancy Newton, nee Daniels, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, and that, after the close of said rebellion, the three applicants first above mentioned returned to the Indian Territory during the following years: Burrell and Miranda Daniels in 1864, and Thomas Daniels in 1897. The said Nancy Newton, nee Daniels, deceased, never returned to the Indian Territory, after the rebellion, she having died in Texas prior to the year 1864.

(3) That all the applicants herein except Burrell, Miranda and Thomas Daniels, were born since the commencement of the rebellion.

(4) That those applicants herein who were in being at the close of the rebellion, together with the said Nancy Newton, nee Daniels, deceased, were taken, by one Joel M. Bryant, from Texas to Mexico during the year 1865, where the said Burrell Daniels and his family remained until about the year 1872, when they removed to Texas and con-

tinuously lived therein till their return to the Indian Territory as above indicated.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel M. Bryant and party from Texas to Mexico during the spring and summer of 1865; that they remained in Mexico till 1872, when they removed to Texas, became domiciled citizens of that state, and continuously lived therein till their removal to the Indian Territory during the years 1884 and 1897; and that none of the applicants herein have ever been admitted or readmitted to citizenship in the Cherokee Nation.

And it is further considered that the evidence in this case shows that upon their return to the Indian Territory, after the rebellion, neither the applicants Burrell, Miranda and Thomas Daniels, nor the applicants herein claiming through them, nor those claiming through Nancy Newton, nee Daniels, deceased, established a residence in the Cherokee Nation, but rather in the Creek Nation, where they continuously resided till subsequent to the year 1896.

None of the applicants herein, nor any ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither of the applicants, Burrell, Miranda, or Thomas Daniels, nor Nancy Newton, nee Daniels, deceased, became domiciled citizens of the Cherokee Nation within the time specified by the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Burrell, Miranda and Thomas Daniels, and Nancy Newton, nee Daniels, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

And it is further considered that, granting that these applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee Nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, which, in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Burrell Daniels, Miranda Daniels, Robert Daniels, Thomas Daniels, Mary Daniels, Louella Daniels, Julia Daniels, Andrew Daniels, Willie Daniels, Lewis Daniels, Susie Daniels, Thomas Daniels, Burley Daniels, Essie Daniels, Minnie Daniels, Miranda Daniels (daughter of Andrew Daniels), Ruth Daniels, Burrell H. Daniels, Lizzie Haynes, Edward Haynes, Amos Haynes, Mack Daniels, Mady Daniels, Mary Hill, Alice Hill, Adam Hill, Lizzie Shafer and Arlene Shafer, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied .

COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 25 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of BURRELL DANIELS, ET AL., as Cherokee freedmen, consolidating the applications of

Burrell Daniels et al.---------Cherokee Freedmen R 40,
Andrew Daniels et al.---------Cherokee Freedmen D 861,
Lizzie Shafer et al.----------Cherokee Freedmen D 916,
Mary Hill et al.--------------Cherokee Freedmen D 917,
Lizzie Haynes et al.----------Cherokee Freedmen D 941,
Mack Daniels et al.-----------Cherokee Freedmen D 1089,
Thomas Daniels et al.---------Cherokee Freedmen D 1100,
Burrell H. Daniels------------Cherokee Freedmen D 1101.

Brief on Behalf of the Cherokee Nation.

-o-o-o-O-o-o-o-

These applicants claim under the 9th Article of the Treaty of July 19, 1866. If they have any right to be enrolled it is as Cherokee freedmen. They do not claim as Cherokees by blood. Then lets see if the testimony which is practically uncontradicted shows that these people have complied with the provisions of the said treaty of 1866. If they have not, then they are not entitled to be enrolled. Congress has enjoined upon the Commission the responsibility of making a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims of date February 3, 1896, and this decree finds that all colored persons claiming as Cherokee freedmen must show, in order to establish their right to be so enrolled:

First, either that they were slaves of citizens of the Cherokee Nation or free colored persons residing therein at the commencement of the rebellion, and,

Second, in either case they must have been residents in the Cherokee Nation when the treaty was entered into, or else returned within six months thereafter, or,

Third, descendants of one or the other of the above classes who complied with the provisions of said treaty, since born.

The testimony in this case tends to show that the applicants were slaves of citizens of the Cherokee Nation at the commencement of the War of the Rebellion; that they went south during the war, and just after the war their old master, Major Bryant, decided to go to Mexico and establish a permanent resident there, and the testimony of Mr. Lindsey and Mr. Baugh, sons-in-law of Mr. Bryant, and who have no interest whatever in the result of this investigation, is to the effect that Major Bryant gave these slaves their choice and they decided to voluntarily accompany him to this new country, which they did. Major Bryant remained in old Mexico some two years, and having gone there for the purpose of living there, he unquestionably established a residence. For the time being it was his permanent home. After getting to Mexico the principal applicant, Burrell Daniels, refused to comply with his contract with Major Bryant which he had previously entered into, providing for the payment to Major Bryant for the transportation of himself and the members of his family,

and, as was quite natural, Major Bryant sought to force the collection of the amount due him in the judicial tribunal of that country and obtained judgment against Daniels which was paid by a Mexican governor, and Daniels contends that he worked out the amount of the judgment. What has the Cherokee Nation to do with this? Was it bound by the act of any of its individual citizens, even if that act were illegal? The Cherokee Nation could not be held liable for the action of Bryant nor of any other citizen of the Cherokee Nation, even conceding that the applicant was kidnapped and taken into Mexico. But the testimony shows that he voluntarily went to Mexico. The testimony of both Mr. Lindsay and Mr. Baugh, reputable, honorable, intelligent and respected citizens of the Cherokee Nation, shows that he voluntarily agreed to go, voluntarily signed the contract to pay for his transportation, and that what was done with reference to the enforcement of the contract was in accordance with the laws of their adopted new home. But granting for the sake of argument that the applicant's domicile follows that of his master, which we hold is untenable, Major Bryant, so the testimony shows, decided to go to Mexico to permanently locate and did remain there for two years, until 1868. During this time he had no thought of returning to the Cherokee Nation. That he subsequently returned does not change his residence or domicile between 1866 and 1868, because at that time he actuall y resided in Mexico, and the evidence shows that he went there for the purpose of making it his permanent home. Then if the residence of Burrell Daniels was that of his master that residence during these two years wasn't in the Cherokee Nation, but in Mexico.

Lets follow, however, the testimony further and it shows that in the very early 70's, perhaps in 1871, Burrell Daniels left Mexico and went to the state of Texas, and his story as to the time and how he left varies materially upon the two occasions upon which he took the stand. At one time he claims to have been taken out by the troops, another time he went out with a wagon, shoeing horses along the way; at one time he goes out with his family; at another his family is left behind him. But be that as it may, he admits that in the early 70's he and his family made their way either one way or the other out of old Mexico and took up their actual residence in the State of Texas. There they were free to go where they pleased and to follow whatever work opportunity laid before them. There practically all of the children of the principal applicants were born. They went from place to place in the State of Texas, part of the time living in the country and part of the time in towns. The testimony shows that they exercised rights of citizenship by voting in the elections in the State of Texas. It also shows that two or three of the members of the family were married there and some of them only recently came to the Cherokee Nation, and the testimony also shows that the principal applicant, Burrell Daniels and none of the other applicants came to the Cherokee Nation until 1883 or 1884, which was during Chief Bushyhead's second administration as Principal Chief of the Cherokee Nation. This was when his witness George O. Butler first saw him. Even if Burrell Daniels were forced, to Mexico, which is against the testimony and in the teeth of it, still from his own testimony we have him residing for at least ten or twelve years in the State of Texas before he returns to the Cherokee Nation. It is a matter of historical knowledge that the M. K. & T. Railroad built through the Indian Territory in 1871, '2 & '3 to Denison, Texas, and that the points of Denison and San Antonio, Texas, were at that time connected by rail, so that ten years before applicants' return to the Cherokee Nation they could have comeevery mile by rail, and in this connection your attention is invited to the fact that the applicants claim to have gone over land from Mexico to San Antonio, a distance as great as from the Cherokee Nation to San Antonio, in a few months, and if he

B D S

could have made his way through this wild and unsettled country from Mexico to San Antonio over land in a few months, we see no legal reason for excusing him for not making the trip by rail from San Antonio, Texas, to the Cherokee Nation.

In one breath Burrell Daniels claims that he always intended to make the Cherokee Nation his home, whereas in the very next one he admits his ignorance of the treaty of 1866 and claims that he did not know that it was passed or that he was entitled to citizenship under its provisions. How, then, could he have ever intended to make the Cherokee Nation his home when at the same time he didn't know that legal provisions for his acquirement of citizenship in the Cherokee Nation had been made.

The 9th Article of the Treaty of 1866 requires an actual residence within the limits of the Cherokee Nation when the treaty was entered into or a physical return to the Cherokee Nation within six months thereafter. No exception is provided for. Residence or return are conditions precedent. These applicants do not claim to have complied with this provision and it would be a dangerous precedent, indeed, for the Department to decide that any excuse could be offered by a freedman applicant which would excuse his noncompliance with the return provisions of the treaty. The representatives of the Cherokee Nation and the United States knew that when the treaty was entered into that the former slaves and free colored persons were scattered from without the limits of the Cherokee Nation and provision only was made to grant citizenship to those who were residing in the Cherokee Nation within a given period. No exception was made even for minors or incompetents. The decree of the Court of Claims of date February 3, 1896, requires a compliance with the provisions of Article Nine in order to confer citizenship upon the colored person, and we submit that if the Department were to hold that any excuse whatever could be offered that motions for review would be filed and practically every freedmen case setting up first one excuse or another, hoping by that excuse to escape the condition imposed as to return as provided in the treaty.

How could Burrell Daniels have had a domicile or residence in the Cherokee Nation on July 19, 1866, or within six months thereafter, when his actual physical residence was in Mexico, when he went there voluntarily, when his own master's domicile and residence was in Mexico, when it was the intention of both at the time to make it there their permanent home?

But waiving that, what excuse is offered in this record for Burrell Daniels' not returning to the Cherokee Nation after reaching the State of Texas for ten years thereafter? He voted there and exercised rights of citizenship, as did his children who also voted, and some of them married in the State of Texas and continued to reside there for ten years after their father, the principal applicant, had returned to the Cherokee Nation.

We submit that from any view of this case the applicants should under the law be rejected.

Respectfully submitted,

_____

_____

_____

Attorneys for the Cherokee Nation.

BEFOR THE DEPARTMENT OF THE INTERIOR,

Washington.

To the Honorable,

The secretayr of the Interior.

In the matter of the application of Purrell Daniels and his wife for enrollment as Cherokee freedmen.

"BETSY (betty) MCCONNALL"

AFFIDAVIT

In this decision in the Purrell Dahiels case, the Commissioner to the Five Civilized Tribes holds that Purrell Daniels VOLUNTARILY accompanied Joel H. Bryant to Mexico in the spring or summer of 1905.

In reply to this statement of the Commissioner and the testimony of the witness, R. W. Lindsey (A son-in-law of Bryant) he has to submit an affidavit of the only ex-slave in the Indian Territory who was taken with the Daniels by Col. Bryant to Mexico.

This affidavit is a pretty strong one, and the Cherokee attorneys may object to it on the ground that it is an "ex parte affidavit", but when an old woman appears before an officer empowered to administer an oath, and swears:

"I do not expect to live long, much longer, but if this is the last thing I ever do or say, I now say and swear that any statement made by any one to the effect that Purrell Daniels VOLUNTARILY accompanied Joel H. Bryant to Mexico is absolutely false,

she evidently thinks that she is telling the truth, even though it be in direct contradiction of Mr. Lindsey in these matters.

It will be observed that the official before whom Betsy McConnall made this affidavit, certifies under his official seal, that Betsy is "PERSONALLY KNOWN TO HIM TO BE A [illegible] OF VERACITY", etc. this official, W. R. Samuel, is one of the most highly respected and reliable merchants in the Cherokee nation.

The Cherokee attorneys may say that because of the fact that Betsy Mcconnall is an old freedwoman, her affidavit ought not to be considered,

but we will call attention to the fact that this woman is identified upon the 1880 roll and has never been used as a witness before the Department before.

True this affidavit is direct and to thepoint. No ambiguity appears at all, but it must be remembered that this man Lindsey invited just such when he overlooked the fact thatin his hoe town there lived a woman who knew whether or not he teastfied as a man should, but be that as it may, we now have Betty McConnall and the well known history of the flight of Col. Bryant, against the sworn statement of this man Lindsey.

Let us call attention to some of the other testimony of Lindsey.

In the case of Otto Martin, Cherokee freedman D-692, we find the following:

"Mr Mellette" to Mr. "R. W. Lindsey"

"QWell do you say that Joel Bryant sold Otto? A Yes, sir.

A The la ter part of 1865? A About the latter part of May, 1865.

Q Well, that was after he was freed by law, wasn't it?

A I don't know about that; the section of the country we was in, we didn't know any thing about that WE WAS BUYIN' AND SELLINGALL THE TIME."

"WE WAS BUYING AND SELLING AL THE TIME" "about the latter part of May, 1865," and Joel Bryant sold Otto Martin then.

And yet this same man R. W. Lindsey almost four years later swore that "He (Bryant) didn't force them (Daniels) " as I understand it(their to Mexico) was entirely amicable"

It will be noted that on September 20, 1902/ R. W. Lindsey, when the occassion suits, swears that Joel Bryant sold Otto Martin in Texas in the latter part of May 1865, and swore that "we were buying and selling all the time ", and that on June 6, 1906, when the occassion suits he swore that the relation between Col. Bryant and these slaves was "entirely amicable"; the "he (Bryant) didn't force them" to go with him to Mexico , and that Burrell Daniels made a contract with Bryant and agreed to pay him for the transportation of himself and his family when they got into

Mexico.

And this man Lindsay is apparently sincere in his statements. At least his fearless juxglery with the truth has the appearance of a sort of reckless sincerity. In this same Otto Martin case he testified Mr. Willette that the Kern-Clifton Commission was here in"1895" If we take this as an example of the value of the testimony of this man Lindsey, we will feel constrained to refuse to value such testimony as worthy of any respect.

Mr. Lindsey, no doubt, did not mean to be untruthful in this little matter, but since the decree of the Court of Claim that provided for the Kern-Clifton Commission was not rendered until February 3, 1896, it is quite evident that Mr. Lindsay was mistaken in the date, and as this was only about six years prior to the date of his testimony, it may be that his memory is such as to excuse him for the "mistakes" he made relavent to the facts to which he attempted to testify.

Any yet the Commission took his word for it and in the very teeth of the facts hold that Daniels VOLUNTARILY accompanied Joel M. Bryant to Mexico.

All this stuf about Daniels employing Bryant to carry him to Mexico, is a most unlikely story, and only shows to what length folks will go to sustain themselves. It is human nature, but is branded as "absolutely false" by one of the slaves who was taken to Mexico by Col. Bryant, and is now enrolled by the Commission to the Five Civilized Tribes, and who, according to the official, W. R. Samuel, is worthy of belief.

But this is sufficient.

WHEREFORE, We respectfully submit this affidavit and this comment.

Attorneys for Applicants.

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR.

In Re

Burrell Daniels, et al.,

C. F. R. 40.

On September 8, 1865, closely following the cessation of hostilities of the Civil War, a Council was convened at Fort Smith, Arkansas, composed of U. S. Commissioners, the president of whom was Hon. D. N. Cooley, then Commissioner of Indian Affairs, and of Delegates from the Indian Tribes that had entered into treaties with the Confederate States. On the second day of that Council the Indians were informed by the presiding officer, Commissioner Cooley that the new treaties "must contain substantially the following stipulations" which he stated. The third of these requirements was as follows:

"3. The institution of slavery which has existed among several of the Tribes must be forthwith abolished, and measures taken for the unconditional emancipation of all persons held in bondage, and for their incorporation into the Tribes on an equal footing with the original members, or suitably provided for." (p. 318 Ind. Office Rpt. 1865)

The records show that this language was understood by the Indians present to mean that the freedmen were to be given all the rights of citizenship. Commissioner Cooley in his annual report dated October 31, 1865, page 34, says of the propositions which were the basis for these treaties:

"3d. Slavery to be abolished, and measures to be taken to incorporate the slaves into the Tribes, with their rights guaranteed."

As this was written after the Council was concluded, evidently there was no doubt in his mind as to the meaning of the third proposition. What the Indian Delegates understood by that proposition will readily be understood by the following references to the report of the president of the Council and the official report of the proceedings accompanying it. The Refugee Chickasaws on the

third day of this Council stated concerning the third proposition:

"We are willing to abolish slavery and to enter into measures for the unconditional emancipation of persons held in bondage, and to make suitable provisions for their future homes." (p. 320, Ind. Office Rept. 1865)

The Loyal Choctaws stated:

"In answer therefore, to your propositions to the several Tribes of Indians, we say that the first, second, third, fourth, fifth, and sixth articles meet our approval." (p. 320, Ind. Office Rept. 1865)

Isaac Warrior, Chief of the Semecas, said:

"And about another thing, the negroes, we haven't anything to say about them, because we haven't any negroes in our Nation." (p. 322, Ind. Office Rept. 1865)

The Shawnee Delegation stated in writing that:

"They are satisfied with the provisions taken and requirements made by the Commissioners;" (p.322 Ind.Rpt.1865)

The Agent for the Wichitas stated:

"I feel fully confident in saying in their behalf that any and all the propositions contained in the address of the Honorable Commissioners, so far as they are applicable to any of these Tribes, would be readily and cheerfully complied with." (p. 324, Ind. Office Rept. 1865)

On the fourth day, the Seminoles stated:

"They have carefully considered the subjects submitted, and in council with our Agent have had every point in your a dresses explained; and they make answer that we realize the attitude in which we are placed, by the action of our people towards the United States, and understand the importance to ourselves, the loyal portion, as well as those lately in rebellion against the Government, of making treaties of peace and amity among ourselves, and with the United States. We fully and freely endorse all the propositions contained in your address, excepting that we respectfully submit that Article 3 should be so changed as to admit only colored persons lately held in bondage by the Seminole people, and free persons of color residing in the Nation previous to the rebellion, to a residence among us,and adoption in the Seminole Tribes, upon some plan to be agreed upon by us and approved by the Government. We are willing to provide for the colored people of our own Nation but do not desire our lands to become colonization grounds for the negroes of other States and Territories." (p. 325, Ind. Office Rept. 1865)

This last statement clearly shows what the intention of the Government was as to the slaves, and what limitations were intended to be placed upon the adoption of "free persons of color".

After a severe arraignment of the Cherokee Chief,

John Ross, by president Cooley on this day, he said:

"But while John Ross is the Principal Chief of the Cherokee Nation, and the treaty made by him and the Nation with those in rebellion against the United States is not repudiated, and a new treaty made with the United States whereby the United States assure to the Cherokee a title to the lands, or a portion thereof, you, as a Nation, are legally, morally, and of right ought to be, as you are, subject to the will and pleasure of the President of the United States touching your interests under any former treaty or treaties with the United States affecting annuities or titles to land in the Indian Territory. That a majority of your Nation has been, and is now, loyal, we are happy to believe. x x x The Commissioners are happy to be able to communicate to the President that the Delegates here from the Cherokee Nation assure us of their desire to treat with the United States, and that you will lay the matter before your council in October next, recommending such action as will renew the friendly relations heretofore sustained by you toward the United States." (p. 327, Ind. Office Rept. 1865)

U. S. Commissioner Parker also stated on that day:

"The expressions given by most of the Nations here of their willingness to accept as treaty stipulations the several propositions submitted by the Commissioners is pleasing to the President of the United States, and will materially operate in favor of the Indians. The questions raised by some of the Nations respecting the third and seventh propositions submitted by the Commissioners will receive proper consideration whenever a treaty is made with any Nation affected by them." (p. 327 Ind. Office Rept. 1865)

On the sixth day the Loyal Chickasaws by Lewis Johnson said:

"I have heard much said about the black folks. They suffered as much as we did. I have always understood that the President esteemed the colored people, and we are willing to do just as our father may wish, and take them in and assist them, and let them help us." (p. 334 Ind. Office Rept. 1865)

On the eighth day E. C. Boudinot, on behalf of the southern Cherokees, said:

"We have accepted the abolition of slavery as a fact accomplished, and are willing to give such fact legal significance by appropriate acts of council. But we respectfully submit that it would neither be for the benefit of the emancipated negor nor for the Indian to "incorporate" the former into the several tribes "on an equal footing with the original members." That the emancipated negro must be 'suitably provided for' is a natural sequence of his emancipation; but so serious and delicate a question should not be so hastily considered and acted upon, and we therefore ask further time before deciding upon it, pledging ourselves to acquiesce in good faith in any plan which may be considered reasonable and just. x x x We beg to assure the Government that our objections to the third and sixth propositions are made in no captious spirit, but with a view solely to the good of our common people; and we announce ourselves willing to yield such objections, if, after mature deliberations, no better plan can be suggested by us which will be satisfactory to the Government." (p. 330, Ind. Office Rept. 1865)

On the ninth day Delegates from the Creek Nation made the following statement:

"We are willing to provide for the abolishing of slavery and settlement of the blacks who were among us at the breaking out of the rebellion, as slaves or otherwise, as citizens, entitled to all the rights and privileges that we are." (p. 341 Ind. Office Rept. 1866)

General J. B. Sanborn, Special Commissioner for regulating relations between freedmen in the Territory and their former masters, reports January 5, 1866, as follows:

"The freedmen are the most industrious, economical, and, in many respects, the more intelligent portion of the population of the Indian Territory. x x x x The Cherokees are divided in sentiment. A portion, and not a very small portion, think the Government should move the negroes from their country, as it has freed them; while a portion, including the Principal Chief, Downing, are in favor of having them retained in the Nation, and located upon some tract of land set apart for their exclusive use; and Col. Downing says that this policy will obtain in the Nation, and that civil rights will be accorded to the freedmen before a great while." (pp. 283-4 Ind. Office Rept. 1866)

This is the last statement in the Indian Office Report relating to the condition of affairs regarding the freedmen in the Cherokee Nation previous to the negotiation of the treaty concluded July 19, 1866, which was proclaimed August 11 of that year. The fact was that the Cherokee Nation was absolutely land poor, but up to this time their slaves, and not the Cherokees, had cultivated the land and produced the crops for them. For several years the government had been called on to contribute liberally for the support of the Tribe. Now that peace had again been established, the burden of furnishing support again fell on the shoulders of their slaves. These were now freedmen. Without their aid and assistance the Indian authorities knew that it was very doubtful whether the Cherokees would raise sufficient crops to supply their own needs notwithstanding their large tracts of land. While the John Ross party was opposed to the increase in the number of citizens which would result from the adoption of their former slaves, as it might endanger the political supremacy of that party, yet public opinion in the Nation, as indicated by Principal Chief Downing, as above quoted, as early as January, 1866,

was rapidly changing in favor of according full civil rights to the freedmen. General Sanborn reports:

"Most of these freedmen have ox teams, and among them are blacksmiths, carpenters, wheelrights, &c."

In speaking of the proposal to set aside tracts of land specially for the freedmen, General Sanborn says:

"There should set aside a tract large enough to give a square mile to every four persons, as there is much waste land in the nation. The tract or tracts of land should be the most fertile in the territory, as the freedmen are the principal producers, and should in all cases touch either the Arkansas or Red River, so that the crops could be run out on flat boats. Reference should be had to timber and prairie as well as bottom and uplands." (Sanborn report January 5, 1866, supra)

The report of Indian Commissioner Cooley dated October 22, 1866, after the treaty had been completed, referring to the treaties with the Seminoles, Choctaws and Chickasaws, Creeks and Cherokees, and relating to freedmen, says:

"Slavery is entirely abolished and the freedmen placed upon a equal footing with the remainder of the people." (Seminoles, Indian Rep. p. 9, 1866)

Referring to Choctaw and Chickasaw leased lands:

"For this the Government is to pay $300,000 to be invested at 5 per cent interest until laws are passed by the Choctaws and Chickasaws providing full rights, privileges, and immunities, and grants of 40 acres of land each for their freedmen, which laws are to be passed within two years." (Choctaws and Chickasaws, p. 9, Ind. Office Rept. 1866)

Concerning the Creek treaty:

"This treaty re-establishes peace and friendship, declares amnesty for past offences, and establishes the freedmen in full equality of rights and privileges, as well as a share in the National soils and funds."

Referring to the long contest with the southern Creeks over the recognition of the freedmen as citizens, the report says:

"They were successful at last and the treaty guarantees to their freedmen full equality." (Creeks, p. 10, Ind. Office Rept. 1866)

After detailing at considerable length the controversy between the p two parties of the Cherokee Nation which seriously delayed concluding the treaty, in which the report says:

"The end of the War came at last, and the Commis-

sion of 1865 met at Fort Smith delegates from both factions, those of the Ridge or Watie party ready to meet all the views of the Government, and asking its protection from the confiscation laws which had excluded them from their homes; x x while the Ross party held aloof, in great independence of spirit leaving it quite doubtful for some time whether they would consent to treat at all; x x x"

The report concludes as to the freedmen:

"Slavery is abolished and the full rights of the freedmen are acknowledged." (pp. 11 & 12 Ind. Rept. 1866)

The above historical statement shows the final development of the language in this treaty, the last to be executed with the southern Indians, and how tenaciously the Commissioners representing the United States held to the principal laid down in Commissioner Cooley's report for 1865 (p. 34) that the slaves were to be incorperated into the tribes with their rights guaranteed. The whole course of the Government in relation to the treatment of these slaves was exactly in harmony with the then settled ideas of the administration on the proper treatment of Freedmen. These Commissioners required exactly the same treatment for the Indian Freedmen as for the Freedmen of the United States, nor could they be satisfied with anything less. In the prevailing state of public opinion no other provision for the Indian freedman could probably have obtained ratification by the Senate, for it must be remembered that the 14th Amendment of our own Constitution had just been submitted, on June 16, 1866, for ratification by the States. This treaty was not finally concluded until July 19, 1866, and was not ratified until July 27 of the same year.

THE TREATY OF 1866.

The Treaty with the Cherokees was promulgated on August 11, 1866. Article IX of this treaty is as follows:

"Article IX. The Cherokee Nation having, voluntarily, in February, 1863, by an act of their National Council, forever abolished slavery, hereby covenant and agree that never hereafter shall either slavery or involuntary servitude exist in their Nation otherwise than in the punishment of crime, whereof the parties shall have been duly convicted, in accordance with laws applicable to all the members of said tribe alike. They further agree that all freedmen

who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendents, shall have all the rights of native Cherokees: Provided, That owners of slaves so emancipated in the Cherokee Nation shall never receive any compensation or pay for the slaves so emancipated." (14 Stats. at Large 801)

Article IV of this Treaty groups together "all the Cherokees and free persons who were formerly slaves to any Cherokee" and distinguishes them from "all free negroes not having been such slaves." Article X provides that "Every Cherokee and freedperson" shall have certain rights in common which are not bestowed upon others. These are the sections of the treaty of which the Indian Commissioner says: "Slavery is abolished, and the full rights of the freedmen are acknowledged."

THE CONSTITUTION AMENDED.

In pursuance of the foregoing stipulations of this treaty, the Cherokee people of November 26, 1866, amended Art. 3, Sec. 5 of their National Constitution to read as follows:

"Sec. 5. No person shall be eligible to a seat in the National Council but a male citizen of the Cherokee Nation, who shall have attained to the age of twenty-five years, and who shall have been a bona fide resident of the district in which he may be elected, at least six months immediately preceding such election. All native born Cherokees, all Indians, and whites legally members of the Nation by adoption, and all freedmen who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendents, who reside within the limits of the Cherokee Nation, shall be taken, and deemed to be, citizens of the Cherokee Nation." (Cherokee Code of Laws, 1875, p. 28)

Before this amendment was adopted, Article 3, Section 5, had been in force since 1839, as follows:

"Sec. 5. No person shall be eligible to a seat in the National Council but a free Cherokee male citizen, who shall have attained to the age of twenty-five years. The descendents of Cherokee men by all free women, except the African race, whose parents may have been living together as man and wife, according to the customs and laws of this Nation, shall be entitled to all the rights and privileges of this Nation as well as the posterity of Cherokee women by all free men. No person who is of negro or mulatto parentage, either

by the father's or the mother's side, shall be eligible to hold any office of profit, honor or trust, under this Government."

A comparison of the language of this section before and after amendment shows that all former citizenship restrictions operating solely against the African race, had been eliminated. The language of the amended section was adopted with all the solemnity and discriminating scrutiny of which the Cherokee leaders were capable. Four short months before, they had finally united in the execution of a treaty which had received for nearly a year their most careful thought and study, and most vitally concerned their national interests, and perhaps even their national existence. This section of the constitution had now to be changed to carry into execution their understanding of the stipulations of that treaty. The tribal citizenship was the most important change. The treaty of 1866 provided for the adoption into the body of citizens of the Nation, Indians other than Cherokees, freedmen, and free colored persons. Such adoption was accomplished by the recital of the different classes of citizens in this section. In the amendment which accomplished this all restricting clauses are used descriptively and should be held to apply either to a single class or to all the classes of citizens named in the clauses coordinate with that to which each restriction seems clearly to attach.

Thus the language, "and are now residents therein, or who may return within six months from the 19th day of July, 1866" comprises alternative clauses which either refer back solely to "free colored persons" or they must also refer to each of the classes of citizens previously mentioned in the sentence. As used here, there is not the slightest weight of authority for any other application of these restrictions, because this amendment was expressly drafted to convey the Cherokee interpretation of Article IX of the

treaty. Furthermore, confining the use of these restrictions solely to the class called " free colored persons" brings this interpretation of the treaty in entire harmony with the purpose of the Government Commissioners as heretofore traced in the history of the treaty negotiations. If the words used had been "as well as all freedmen who have been liberated by voluntary act of their former owners, or by law, and free colored persons, who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, " these two limitations would undoubtedly refer to each of these classes. That would have been the simple, natural, and logical method to indicate such a purpose. As this was not done, it should be accepted as almost beyond doubt that there was no such an intention on the part of the Cherokee Nation.

FREE COLORED PERSONS.

But there were also substantial reasons why the "free colored persons" should not be treated as liberally as their own Cherokee freedmen. It soon developed during the treaty council with the Indians in 1865 that, in addition to the freedmen, there were many free negroes who had made homes for themselves among these Indians. These, as well as the slaves of the loyal Indians, had done all they could to aid the union during the war, and would now be homeless and destitute unless provision was made for them in the treaty under negotiation. But the Cherokee Nation owed them nothing at all. They were simply intruders who had squatted on the Cherokee lands. Nevertheless the U. S. Commissioners urged that some provision should be made for them. Consequently the free colored persons, including those then present with the tribe and such as were temporarily absent from the Nation, but intending to return shortly, were to be granted the rights of citizenship. This class of

negroes had been sole masters of their movements, and as such had voluntarily joined their fortunes to these Indians, and this fact, plead strongly for some provision in their behalf. Yet the Commissioners never considered that they had any rights in the matter, as was so often asserted on behalf of the freedmen. Thus it will be seen in the case of the freedmen rested on an entirely different basis. Their whole lives had been passed in the service of their masters who were members of the Cherokee Nation. All the fruits of their toil and energy had gone to enrich the Nation. They had been the chief producing agents of the Tribe. It was only justice, therefore, that some suitable provision should be made for them. A large portion of the Nation which enjoyed, at least, the confidence of the Government Commissioners, had expressed entire approval of the proposition to adopt them into the Tribe. It was known to both Indians and Government representatives that a large number of these slaves had been taken by their masters, under restraint, out of the Nation to Mexico and other distant places, from which return would be difficult and long delayed. Others again had been taken into the military service of both north and south by their respective owners, and so placed under authority that many of them could not return inside of a year or two. There was no possible way of notifying these freedmen that they must return before any particular date, or forfeit their rights to citizenship under the treaty. Probably not less than one-third of all the freedmen of this Tribe were so situated that it was beyond their power to return to the Cherokee Nation within the period of six months after the treaty was proclaimed. All of them who had been able to do so had fought for and aided in the preservation of the Union. Is it reasonable to suppose that with all this well known to the Commissioner of Indian Affairs, and the Superintendent of the Southern Agency, who represented the Government in these negotiations in the spring of

1866, they would agree to a treaty that was certain to reduce these freedmen to absolute beggary; strip them of every right they possessed as slaves; and finally to drive them out of the Cherokee Nation, lacking in every requisite to sustain life? If they were not made citizens under the treaty, that would have been the result of Article 27 of this treaty which reads as follows:

"Article XXVII. x x x And all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian Agent for the Cherokees to have such persons, not lawfully residing or sojourning therein, removed from the Nation, as they now are, or hereafter may be, required by the Indian intercourse laws of the United States."

With intimate knowledge of the foregoing, if such was the effect of this treaty as negotiated, would the Commissioner of Indian Affairs have declared in his annual report dated October 22, 1866, that "the full rights of the freedmen are acknowledged"? While this was the last treaty to be concluded with the southern Indians, the delay was occasioned by differences over the repeal of the Cherokee confiscation acts by the Ross faction, and their unwillingness to come to an agreement with the Ridge faction of the Tribe. (See Indian Office Rept. 1866, p.11) The treatment of the Cherokee freedmen apparently was not considered of much moment to these Indians at that time, except John Ross and his personal partisans, beyond the fact that the interests of the Nation undoubtedly required that such civil rights be granted them as would insure the continuance of their labors on behalf of the Nation.

They were subject to the will and pleasure of the President, as stated by Commissioner Cooley on page 3 hereof. They understood the feelings of the President towards the Freedmen, as announced by the loyal Chickasaws, page 9. They knew if they accepted the Government's proposal for the future treatment of their freedmen it would please the President and operate materially in their favor, as Commissioner

Parker said, page 3. They realized what was desired of them just as fully as the Seminoles did, see page 2. They acknowledged that the Freedmen must be "suitably provided for" as Boudinot admitted, page 3. The leaven was working in the Nation and Chief Downing foresaw that it must finally result in according the Freedmen their civil rights, page 4. The correctness of his position is demonstrated by Commissioner Dooley's testimony after the treaty had been promulgated, that the full rights of the Freedmen were acknowledged, see page 6. These references to rights for the Freedmen can only refer to the rights conferred by citizenship. No such comment as the foregoing appears anywhere in the records concerning the "free colored persons". Thus the contrast between the two classes is sharp and decisive, and the words "as well as" are used, in both treaty and constitution, as the most appropriate to denote the line of demarkation. They are the natural and reasonable words to express this idea with absolute exactness.

The words "as well as" should be construed according to their ordinary and received acceptation. Maillard v. Lawrence, 16 Howard, 251, 14 L. ed 925. That they did import limitations for the "free colored persons" strikingly different from those attaching to the freedmen, is shown by the construction placed upon this part of Article IX and of the treaty, of Section 8 of Article 3 of the Cherokee constitution. In Whitmire v. Cherokee Nation, 30 Ct. Cl. 138, the attorneys for the freedmen contend in their brief, page 140, as follows:

"Article IX fixes it beyond the possibility of doubt. It determines that every person of color who had been a slave to any Cherokee and who had been liberated by voluntary act of his owner or by act of law, and every free colored person who had been in the country at the commencement of the rebellion and was at the time of the treaty a resident therein, or who should return within six months, and the descendants of all these persons, that is, of former slaves and free persons of color, should have the right to reoccupy the land, and that they should have all the rights of native Cherokees."

The brief for the Cherokee Nation fully coincides in this view of the matter, as follows, page 143:

"By reference to the Ninth Article of the Treaty of 1866 it will be observed that all free colored persons who were in the Cherokee country at the commencement of the rebellion, and who were then residents therein, or who might return within six months, were given the same rights as the freedmen who had been liberated by their owners or by law. The Cherokee Nation was certainly under no obligation to provide for this class of persons, and this fact lends much force to the contention that the purpose was to confer upon the colored people in the Cherokee Nation, and all who might become residents thereof, such rights, and such rights only, as were conferred upon the colored people in other parts of the United States."

The Court in this case finds as follows, page 190:

"And it appearing to the Court that under the provisions of Article IX of the treaty of July 19, 1866, made by and between the Cherokee Nation and the United States, the said freedmen, who had been liberated by voluntary act of their former owners, or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and were residents therein at the date of said treaty, or who had returned thereto within six months of said last mentioned date, and their descendents, were admitted into and became a part of the Cherokee Nation and entitled to equal rights and immunities, and to participate in the Cherokee National funds and common property in the same manner and to the same extent as Cherokee citizens of Cherokee blood."

The decree, page 192, uses the following language which is repeated in the decree as amended on February 3, 1896. The only change then made in this part of the decree is the dropping of the comma after the words, "former owners". We therefore quote the language as punctuated in the last decree:

"It is ordered, and adjudged, and decreed that so much of the acts of the Cherokee National Council of date April 26, 1888, November 25, 1890, and May 3, 1894, as restricts the distribution of funds which were derived from the public domain and from the sale of lands by the Cherokee Nation to the Government of the United States to citizens of the Nation by blood be held and decreed void and contrary to and in derogation of the constitution of the Cherokee Nation and the provisions and stipulations of Article IX of the aforesaid treaty of July 19, 1866, with respect to the rights of said freedmen who have been liberated by voluntary act of their former owners, or by law, and all free colored persons who resided in the Cherokee country at the commencement of the rebellion and who on the said date re-sided therein, or who returned thereto within six months thereafter, and their descendents."

The ordinary and usual acceptation of the language of the above decree surely means, and is intended to mean, that only free colored persons were required to return within

six months. The above extracts from the briefs of counsel for freedmen and for the Cherokee Nation, and from the opinion and last decree of the court, seem to fully justify the conclusion we have reached as to the ordinary and received acceptation of the words employed in the treaty. If the freedmen are to be subject to the same limitations as the free colored persons, both treaty and constitution could have been so drafted as to clearly express that view without possibility of other interpretation. For example the second sentence of Article IX of the treaty might well have read as follows:

"They further agree that all negroes who resided in the Cherokee Nation at the commencement of the rebellion and are now residing therein, or who return thereto within six months, and their descendants, shall have all the rights of native Cherokees."

In the light of the foregoing the conclusion is well nigh irresistible that the language used in both treaty and constitution was for the purpose of distinguishing between the two classes of negroes, and attaching to each class its own suitable prerequisites of citizenship. It should be remembered that while punctuation does not have controlling effect on the construction of a treaty or statute, yet it is entitled to more consideration for the reason that the sole purpose of its use is to better indicate and emphasize the meaning intended by the language employed. Your special attention is therefore invited to the punctuation of the above extracts from the Cherokee amended constitution, the briefs, opinion and decree in the Whitmire case, and the speeches of the commissioners representing the Government and the Indians during the negotiation of the treaty and their subsequent comments upon it. Red Ford v. Delta and Pine Land Co., 164 U.S., 362, 41 L. ed 390; Hammock v. Farmers' Loan & Trust Co., 105 U.S., 77, 26 L. ed, 1111; Com. v. Kelley, 177 Mass. 221, 58 N.E. 681; Prouty v. Union Hardware Co., 178 Mass. 184, 57 N.E. 362; Haney v. Providence, etc. Co; 181 Mass., 382, 57 N.E., 164.

RULES FOR CONSTRUCTION.

As to the construction or interpretation of Article IX, treaty of 1866, and of the constitutional amendment by which the Cherokee Nation made it effective, your attention is respectfully invited to the following:

The treaty and amended constitution, both relating to the same subject, like statutes in pari materia, are to be construed together. Cooper Mfg. Co. v. Ferguson, 113 U. S., 727, 28 L. ed. 1137.

In construing a constitution the established rules of construction applicable to statutes are held to apply. 8 Cyc. L. & P. 729.

The language of a constitutional amendment should be read in connection with the known condition of affairs out of which the occasion for its adoption may have arisen, and then construed, if there be therein any doubtful expressions, in a way, so far as is reasonably possible, to forward the known purpose or object for which the Amendment was adopted. Maxwell v. Dow, 176 U. S., 581, 44 L. ed 597. Also Dredd Scott v. Sanford, 19 How, 393 15 L. ed 691.

It is well settled that where the language of a statute is in any manner ambiguous, or the meaning doubtful, resort may be had to the surrounding circumstances, the history of the time, and the defect or mischief which the statute was intended to remedy. x x x And by this court in U.S. v. U. P. R.R. Co., 91 U.S., 72, 23 L. ed 224, it was said that : 'Courts in construing a statute may with propriety resur to the history of the times when it was passed; and this in frequently necessary in order to ascertain the reason as well as the p meaning of particular provisions in it. Aldridge v. Williams, 46 U.S., 24, 12 L. ed 678. Preston v. Browder 14 U.S. 1, 4 L. ed 81.' And in Platt v. U. P. R. Co., 99 U.S. 48, 25 L. ed 424, that: 'In endeavoring to ascertain what the Congress of 1864 in-

tended, we must, as far as possible, place ourselves in the light that Congress enjoyed, look at things as they appeared to it, and discover its purpose from the language used in connection with the attending circumstances.' Smith v. Townsend, 148 U.S., 490, 37 L. ed 534. Also Rhode Island v. Massachusetts, 12 Pet. 659, 9 L. ed 1233. Heydenfeldt v. Mining Co., 93 U.S. 634, 23 L. ed 995. Kohlsaat v. Murphy, 96 U.S. 153, 24 L. ed 844. Pollock v. Farmers' Loan & Trust Co., 158 U.S. 601, 39 L. ed 1108.

Nothing is better settled than that statutes should receive a sensible construction such as will effectuate the legislative intention and if possible so as to avoid an unjust conclusion. Lau Ow Bew v. U.S., 144 U.S. 477, 36 L. ed 340.

Every part of an act is to be taken into view for the purpose of discovering the mind of the law maker. Pennington v. Coxe 2 Cranch 33, 2 L. ed 199. Also Alexander v. Alexandria, 5 Cranch 1, 3 L. ed 19.

In the construction of statutes the rule noscitur a sociis is very frequently applied; the meaning of a word and consequently the intention of the legislature being ascertained by reference to the context, and by examinations considering whether the word in question, and the surrounding words are in fact, ejusdem generis, and referable to the same subject matter. Neal v. Scruggs, 95 U.S., 704, 24 L. ed., 586

In construing the constitution what is implied is as much a part of the instrument as what is expressed. Ex parte Yarbrough 110 U.S. 651, 28 L. ed 274.

When a particular construction will result in great inconveniance or produce inequality and injustice, that view is to be avoided if another and more reasonable interpretation is present in the statute. Knowlton v. Moore, 178 U.S. 41, 44 L. ed 969. Also W. & L. E.R. v. Covey C'Alene Ry. & Nav. Co., 175 U.S., 77, 40 L. ed 646.

In the case of a doubtful or ambiguous law, the contemporaneous construction of those called upon to carry it into effect is entitled to great respect. Cooper Mfg. Co. v. Ferguson, supra. U.S. v. Pugh, 99 U.S. 265, 25 L. ed 322. Edwards v. Darby 12 Wheat. 210, 6 L. ed 603.

The court is not allowed to alter, mend, or add to any treaty by inserting any clause, small or great, any more than in a law. The Amiable Isabella, 6 Wheat. 1, 5 L. ed 191.

Where a treaty admits of two constructions, one restrictive as to the rights that may be claimed under it, and the other liberal, the latter is to be preferred. Bauenstein v. Lynham, 100 U.S. 483, 25 L. ed 628.

APPLICATION OF RULES.

In view of the foregoing rules of construction which have been laid down by the highest tribunal of our country the history of the times and the state of public opinion must be examined to gather the intention of this treaty. Surely it must be conceded by all that at this particular time, immediately following a civil war, public opinion was most emphatically in favor of granting the most liberal rights to all former slaves. Our government was exerting every energy in behalf of its freedmen. A thoroughly aroused and aggressive public sentiment had insisted on the abolition of slavery, fought the war to a successful termination, forced the south to give up its slaves, and was now endowing them with every civil right possessed by their former masters. The Cherokee leaders had been the most active agents of the confederacy in persuading other Indian Tribes to disavow their allegiance to the Union, and at the same time professing to be firm and loyal in their own adhesion. Only recently had the full proofs of this base duplicity become fully known. The deepest indignation was expressed in every part of the country [illegible]

John Ross received from Commissioner Cooley. An example must be made of the Cherokees for its effect on the other Tribes in their future relations with the Government. Even handed justice demanded that they, of all Indians, must be most liberal with their freedmen. The eyes of the whole nation were on this particular treaty. True the insurgent faction, the partisans of John Ross, opposed the freedmen proposition, but not more so than did the entire south, and without the aid of a single one of the social or political arguments which obtained so strongly in that section. Every Cherokee knew this opposition was hopeless, and the larger questions of unity and amity among themselves speedily absorbed their entire interest. In this condition of affairs why should the government surrender its strong position in favor of full civil rights for the freedmen? There was no such reason and the position was never surrendered. The testimony of Commissioner Cooley in his report for 1868 above quoted fully proves this.

The intention was to obtain civil rights for all who had been slaves of the Cherokees. This Article should be construed so as to promote that intent and effectuate it. There is not the slightest evidence of any intent to restrict these rights to only a portion of the Cherokee Freedmen. All of them were to receive full civil rights. The treaty and constitution can be so construed without doing the slightest violence to any of their parts. Any uncertainty about this being the meaning of Article IX should be dispelled by the provisions of Articles IV, V, VI and X, which secured them tracts of land, the right of franchise unlimited, and other special privileges. This is certainly implied by all that is contained in the entire treaty.

The contemporaneous acts of the Government fully substantiate such a construction. [illegible] this not true, it was the duty of the Federal authorities, [illegible] Cherokee Nation under the terms of this treaty, to eject all freedmen

who returned to the nation after February 11, 1867. They were not held to be intruders and the government never objected them, notwithstanding its special attention was called to their presence there.

True there have been attempts among the Cherokees to unload the freedmen on the United States, and thus get rid of them, especially as they began to realize that this provision had been forced upon them. Greed also began to spur them on as it became evident that the freedmen would be entitled to an equal share of the tribal property. The full bloods have resorted to every device which promised to advance their selfish interests in this property, but their 13,000,000 acres of land seemed sufficient for all the 20,000 souls of the Tribe including all these freedmen. These efforts finally discovered an ambiguity which had not been apparent to any of the negotiators when the treaty was framed, nor when they voted to adopt the new constitution. But notwithstanding the selfish views of the Cherokees by blood, this treaty and constitution, so far as there may be ambiguity, must be construed in the light of what equity favors, namely, that view which will work the least injustice and hardship. This merely means a construction in favor of every Cherokee freedman who has not abandoned his rights there. This is the only construction that will effectuate the intent of the framers, work the least injustice and hardship, and harmonize with the rule "when two constructions of a treaty are admissible, one restrictive of the rights that may be claimed under it, and the other liberal, the latter must be preferred." Rosenstein v. Lynham, supra.

Better had it been for these freedmen, if this treaty did not secure them full civil rights, had they then been driven from the Cherokee Nation; for certainly would the American people gladly have extended the ready hand of sym-

pathy and aid, and made them full citizens of the United States. To-day if they are not a citizens of the nation for which they have toiled these forty years past, then you compel them to become outcasts at home, and friendless abroad, without a country and without a habitation, hopeless and destitute wrecks wrecks through man's inhumanity to man.

DOMICILE OF THE FREEDMEN.

But another point must be disposed of before Burrell Daniels can be adjudged no Cherokee citizen. When, by act of the National Council, in February 1863, the shackles fell from all Cherokee slaves, this petitioner became a freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master. This was in the Cherokee Nation. It must be held to have remained there unless the record shows that he has expatriated himself since then.

Every decision of the courts lays down the fundamental principle that the intention of the individual is the rule and guide which determines and controls whether he has or has not divested himself of his previous domicile. The Attorney General in 14 Op. A.G., 295, after an exhaustive review of this question holds that "intent is the criterion which by the character of domicile is determined." There is nothing in this case to show that Burrell Daniels ever removed from the Cherokee Nation animo manendi revertendi.

While under restraint and compulsion he and his family were forced to quit the nation and go with his former master's agent across the plains to Mexico. This was after the war was over, in 1865 or 1866. These former slaves were taken by an armed force of about 100 men, all former confederate soldiers. With threats and violence they were compelled to make the journey. After arriving in Mexico, petitioner and his family remained with him there

selves, but were soon discovered, seized, and then sold into peonage. Immediately when the family had earned liberty they returned to Texas, and as soon as their condition would permit, to their old home in the Cherokee Nation. Not a scintilla of evidence appears to prove that petitioner or his family located anywhere in Mexico or Texas during these years animo manendi. The contrary is strikingly evident in the pathetic efforts of this poor colored family to get back to the old home and friends. Never through all the years is there shown any discouragement or abatement of that fixed desire to return "home", to the only home they had ever known, where they had been born and raised.

Duress has been defined by the Supreme Court in French v. Shoemaker, 81 U.S. 314, 20 L. ed 852 as follows:

"Actual violence, even at common law, is not necessary to establish duress, because consent is the very essence of a contract, and if there be compulsion, there is no actual consent, and moral compulsion, such as that produced by threats to take life or to inflict great bodily harm, as well as that produced by imprisonment, is everywhere regarded as sufficient in law to destroy free agency, without which there can be no contract, because in that state of the case there is no consent. Brown v. Pierce, 7 Wall. 214, 19 L. ed 134. In its more [illegible] sense duress means that degree of constraint or danger, either actually inflicted or threatened or impending which is sufficient in severity or in apprehension, to overcome the mind and will of a person of ordinary fairness."

The journey to Mexico and the detention there were under duress of the most positive kind and in violation of the Cherokee National Laws and Constitution. There was no delay in the return except that necessarily resulting from, and flowing out of such duress. Nowhere during this period is there a suggestion of a change of domicile. It follows that Burrell Daniels must have had a legal residence or domicile in the Cherokee Nation from the date of his [illegible], although he was bodily absent therefrom for several years, entirely without his volition, and under circumstances over which he had no control. Hence it must be clear that the six months limitation did not run against this petitioner during this period [illegible] even if it should be held applicable to [illegible].

NEW ROLL OF FREEDMEN.

Section 21 of the act for the protection of the people of the Indian Territory, and for other purposes, approved June 28, 1898, and known as the Curtis Act, authorizes the roll of Cherokee citizens (not including freedmen) of 1880 to be used and followed as the guide for enrollment by the Commission to the Five Civilized Tribes. It also provides "It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the 3rd day of February 1896." This was the final decree in Whitmire v. Cherokee Nation, 31 C. C. 140. As we have shown on page 13 this decree serves to sustain our view of this question. It was prepared with great care, and, after an exhaustive review, finally adopted by the court as its best judgment of the proper order in the premises based upon the facts therein found. Certainly the words and punctuation of the decree as reported are as near exactness as the court's ability to express itself would permit. The court exhibits no sympathy with the grasping selfishness of the Cherokees by blood which it so aptly terms "an afterthought". It declares all adopted citizens, whether Indians, whites, or blacks, are on equal terms with the Cherokees by blood. The briefs of both freedmen and Cherokee attorneys, and the Court's decree, are all in perfect unanimity on the matter of the rights of these freedmen.

While the instructions for the preparation of the new roll of citizens following the Journeycake group of decisions did not accord with this view, yet we are persuaded that perhaps if the Secretary the entire history of this part of the treaty of 1866 was not fully in view for consideration at that time. It would certainly seem that after nearly 30 years recognition of the [illegible] rights of these freedmen, and their continued residence, [illegible] generation of [illegible] there, especially as nearly all of them were [illegible]

born in the Cherokee Nation, it would never too much of consummate injustice to now permit of their being classed as intruders subject to expulsion.

The long war and the exigencies that beset their masters immediately after that period had in many cases separated husband from wife and parent from child. That an anomoly to say that the parent was a citizen but the child was not, or that the child was a citizen while the parent was not. Think of the effect of such a construction upon these freedmen and their families. This would have produced a greater hardship to many of them than slavery itself. The language of treaty and constitution must not be interpreted to produce such a result, if any other possible meaning can be found in their terms. Congress evidently realized exactly this condition. That is why it laid down the emphatic rule that the freedmen roll should be prepared "in strict compliance" with the decree, leaving out everything extraneous to it.

THE KERN--CLIFTON ROLL.

As the instructions for this roll, on which the money sued for by the freedmen in the Whitmire case was paid, were more stringent even than the final decree itself, it would seem to follow that the Kern--Clifton Roll should be made the basis for the new roll of Freedmen citizens. Surely every freedman then enrolled under the most restricted meaning possible to be given the treaty language, would seem entitled as of right to be enrolled now. This petitioner had been enrolled as a citizen on the Dawes Roll about 25 years ago. Ten years later he had been again enrolled on the Kern--Clifton Roll. He was told by members of the Principal Chief's household that both he and his wife were included under the treaty and constitutional provisions of citizenship. He had accepted these decisions as conclusive and has lived all these years in the confidence that

of these acts, as a good and loyal citizen.

In addition to what has been said concerning the proper construction of the treaty and constitution, it is also submitted that the principle of equitable estoppel should apply to the Cherokee Nation, and that they should not be heard at this late day to attack this petitioner's rights as of Cherokee citizenship under that treaty and constitution. As he has twice been adjudged a citizen, that finding should not be disturbed except for the most cogent and convincing reasons.

It is respectfully submitted that the decision of the Commission to the Five Civilized Tribes should be reversed, and this petitioner enrolled as a Cherokee citizen.

Respectfully submitted,

Blue Duncan
Atty for Chas
McGuire & Seven
Counsel.

POOR ORIGINAL -
BEST AVAILABLE COPY

his wife, Miranda, waited upon Mrs. Col. Bryant;

That Col. Bryant had under his charge a great many slaves belonging to the Cherokees. These slaves were kept together, the men slaves mostly with the white women, and the women slaves were kept in subdivision of, and did whatever work was assigned to them by Col. Bryant;

That Col. Bryant was a white man and was married to one of the Cherokee blood;

That as soon as any of the army would learn that the Northern army was in vicinity, Col. Bryant would move all slaves and all women and children under his charge out of the way from the Northern army;

That Burrell Daniels and his wife, were with Col. Bryant for about four years before the war closed, until some time after the war closed;

That they always, from Burrell Daniels and his wife, were at Fort Wichita in the Cherokee Nation, with the Southern troops under Col. Bryant, when they first learned that the war was closed and was declared;

In his testimony given on April 10, 1911, before the Commission of the Five Civilized Tribes, Burrell Daniels stated;

"When the war ended we are going to come back here. General Cooper ordered Col. Bryant to turn over all of his troops and he refused to do it, and in the gathering he had a bunch of the colored people and started north with it and we went to Texas, and in one of the places we rounded up a bunch of about fifteen hundred head of cattle, and before we crossed into Mexico, he made us all put into line and wanted us to promise him that we would go into Mexico that we would pay him and some of us spoke up and said we would not pay him, as the slaves and we set free did not owe their old masters and that; he drove in our things and made us all swear it and then we went into Mexico and there the Mexican government didn't have any laws, as old Maximillian was in power then, and they had a law called the iron law."

The evidence further shows that Col. Bryant took the slaves to Chichauhau and after their arrival at the city of Chichauhau, Col. Bryant sold Burrell Daniels to Don Louis Teresso, the Governor of Chichauhau, for one hundred thirteen dollars, and that Burrell

[illegible] the governor for a number of years on his march;

That a Jew he had come into the country from New York under a pass from the Governor;

That he should contend for this Jew for twelve months;

That General Grant had put officers in Mexico over [illegible] in bondage against the law;

[illegible] [illegible] [illegible] [

had not be n abandoned or lost, and that t e person mi[illegible] ex-
cused from returning by inability or li[illegible]cessa ily t ke
[illegible] are not actually r sident at the place of his legal
or [illegible]."

"[illegible] place of once abode is, is presumably th[illegible] of
his [illegible]jor domicile, this is a presumption merely, but is sufficient
to [illegible] burden of proof upon the one claiming the domicile
[illegible]. Ambassadors and their retinue [illegible]ing over sments
[illegible] of their [illegible], [illegible] [illegible] or
[illegible] to obtain on in the country [illegible] nce,
[illegible]. Story's Conflict of Law, Sec. 45, Expatriation
by [illegible] of [illegible] novel study, is [illegible]nt, were to [illegible]im-
[illegible], [illegible] [illegible] domicile."

In [illegible] section (Sec. [illegible]) Story says: "[illegible] a
[illegible], [illegible] domicile, [illegible] contrary. Foster
[illegible] [illegible] [illegible] an est [illegible]ssee the
[illegible] [illegible] [illegible] [illegible]." and Wheat
[illegible] [illegible] [illegible] [illegible] place, with an
[illegible] of [illegible] [illegible] there."

Sec. 3ec. first defines that, "Two things, then, must concur
[illegible], [illegible], [illegible] precedent; [illegible] intention
of [illegible] home o the party. There must be a fact,
[illegible], [illegible], an [illegible] and the [illegible] fact"
[illegible] ever, [illegible] [illegible] [illegible] not [illegible] enable to
retain a domicile after it is once acquired, but it is retained,
[illegible] [illegible] [illegible] [illegible] it, or to [illegible]
another. If, therefore, a person leaves his home for a temporary
[illegible], [illegible] [illegible] [illegible] it, the change of
place is not in law a change of domicile. Thus, if a person should
[illegible] [illegible] [illegible] foreign country, for [illegible], or
for [illegible], or [illegible] business of a temporary nature, with an inten-
[illegible] [illegible], [illegible] [illegible] [illegible]

...ation of domicile is that required.

As said above, two things must concur to constitute a domicile- the fact of residence and the intention of remaining; 4 Harb. 504, 6 Wend. 16, Story on Conflict of Laws, Sec. 44.

...is applicant, for all which, was restrained of ... by the ... and ... is always, it can not be said ... in his ... of ... fact ... it was his intention to change his domicile.

... has been taken to San Antonio, ... by him ... it is his fault to him, ... his action is starting for ... station as soon as the circumstances would ... that it was his intention to retain ... domicile of ... Confederate ...

... it appears, that there are three kinds of domicile: Domicile by origin, or by birth; domicile by choice, and domicil by operation of law; 2 Kapp. Pract. 408.

Domicile by origin,or birth , is acquiredby descent- that is the domicil of ones parents is ordinarily, the original domicile of their offspring; domicile by choice is acquired when one moves to a country with the intention of remaining, and domicile by operation of law is acquired without any of the preceeding requisites

Everyone has a domicile of origin, which he retains until he acquires another; 13 Mich. 481, 490.

A slave can have no domicile, in as much as he can not possess one of the requisites, namely, intention. A slave had no political rights; 19 U.S. 27. Domicile is a political right. Loss of ... did not work a forfeiture of anything in regard to a slave, by reason of his dependent condition; 1 Hen. & M. 141.

In the United States, a slave was capable of committing crime; of ... his freedom; of being a subject of homicide, and of modifying, by his volition, very materially the rules applicable of other ... of property; while under the civil law slaves were classed among things, and as such,a slave was not considered

c[illegible] criminal or civil [illegible] of the animals.

[illegible] n the civil [illegible], [illegible], of statute enactments, since coming slavery [illegible] under the original common law. The villeins of the [illegible], could find tenants of the lowest grade, [illegible] of servitude.

[illegible] [illegible] cited by [illegible] of the [illegible] operation [illegible] [illegible] action against the [illegible] of [illegible].

[illegible] Cherokee [illegible] of Feb. [illegible], [illegible] of Cherokee citizens, from [illegible] [illegible]. [illegible] [illegible] Cherokee [illegible], and [illegible], a slave of Creek [illegible], [illegible] Cherokee nation.

[illegible], [illegible] United States [illegible], [illegible] of slave [illegible] [illegible] of the slave. [illegible] Col. [illegible], [illegible], was in command of [illegible] troops, [illegible] Darrell, and Johnson Ferguson, [illegible] slaves, [illegible] Darrell Daniels, [illegible] Miranda, [illegible] Col. [illegible]. [illegible] later Col. [illegible] on the Pueblos [illegible] Republic of Mexico [illegible] [illegible]. As soon after [illegible] as [illegible], Darrell and his wife returned to the Cherokee nation.

By virtue of the enumeration act passed by the Cherokee national council Darrell Daniels acquired a domicile in the Cherokee nation on Feb. 18,1850, because of the fact that that nation was the place of his birth and the place of the birth of his ancestors, and because of the fact that the national identity of an emancipated slave is that of his owner, by operation of law.

Taking all of these facts into consideration, there is no question but that Jarrell Daniels who was a slave of a Cherokee and one who was the descendant of such a slave, acquired domicile in that nation by mere act of emancipation, and as one can not change his domicile without an intention to do so, and as there is not a scintilla of evidence that tends to show that Jarrell Daniels ever had an intention to change his domicile, there is no question but that his domicile remained in the Cherokee Nation from that time until the present day.

On November 26, 1866, William P. Ross, chief of the Cherokee Nation, on behalf of that nation issued a proclamation in which it was declared that the constitution of the Cherokees was amended as follows:

"All native born Cherokees, all Indians, and whites legally members of the tribe by adoption, and all freedmen who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendants, who reside within the limits of the Cherokee Nation, shall be entitled to, and receive from, citizens of the Cherokee Nation."

This amendment of the constitution or statute of the Cherokee Nation was accepted by the Cherokee people November 28, 1866.

The national constitution of the Cherokee Nation adopted on July 4, 1839, provided a manner in which it might be amended. This amendment was adopted in the manner prescribed.

On July 19, 1866, the Cherokee Nation had agreed to give to all freedmen all the rights of native Cherokees.

An analysis of this amendment shows that it was the apparent intention of the Cherokees to acknowledge as citizens of persons to be Cherokee citizens, namely:

1. All native born Cherokees;
2. All Indians legally adopted;
3. All whites legally adopted;
4. All freedmen who had been liberated by voluntary act of their former owner or by law;
5. All free colored persons who were in the Cherokee country at the commencement of the rebellion and who were residents thereon July 19, 1866, or if absent therefrom on that date should return within six months of that date;
6. The descendants of all persons above mentioned.

[illegible] for the Cherokee nation attempt to, in any manner, violate or abrogate the provisions [illegible] of article nine of the treaty of July 19, 1866, and it is a guaranty to understand [illegible] with the treaty as effective, and the following [illegible] scale, namely, "[illegible] of the rights of the Cherokee nation", [illegible] evident that [illegible] violate or [illegible] officers [illegible] that, after decision [illegible] of the former owner or [illegible], and their descendants shall have all the rights of native Cherokees, and that all free colored persons who were in the Cherokee country at the commencement of the rebellion, and were present therein on August 11, 1866, or who shall thereafter return within that date should [illegible] their residence from said date, and their descendants shall have all the rights of native Cherokees.

This amendment was adopted Nov. 28, 1866, several years before the [illegible] limit [illegible] on the return of free colored persons, [illegible] provision [illegible], and the constitutional provision [illegible] Cherokee nation and deemed to be citizens of the Cherokee nation, must be residents in that but on or November 2, 1861, [illegible] attempted to be contrary to and in derogation [illegible] provisions and stipulations of article nine of the treaty of July 19, 1866, it appears as the language of that amendment shows that the classes of persons provided for in the ninth article of said treaty, who were not residents in the Cherokee nation at the time of the adoption of the amendment were to be, to say the least, considered "dowbtful citizens".

A treaty is a contract between nations. A treaty is the supreme law of the land. An Indian treaty is as much the law of the land as a treaty with a foreign power. A treaty when ratified by two nations, is the supreme law of such nation. It is also a contract wherein each nation is under obligations to the other nation to refrain from violating its provisions. A treaty is a law

Reverse [illegible] conduct of nations toward each other.

"[illegible] municipal law [illegible] violation, the executive [illegible] of that municipality, is legally bound to see that such violation is accounted for. When the law of nations is violated, a nation suffering by such violation, is in honor bound to see that such violation is accounted for.

[illegible] it was [illegible] United States [illegible]. The Cherokee nation had agreed [illegible] to all freedmen who were [illegible] voluntary act of their former owners or by law, and their descendants all the rights of native Cherokees. They had also agreed to give to all such colored persons who were in the Cherokee country at the commencement of the rebellion and who if absent therefrom on August 11,1866, should return thereto prior to February 11,1867, and their descendants, all the rights of native Cherokees.

In this amendment, they provided that these people shall be residents of the Cherokee Nation on November 28,1866, in order to be taken and deemed to be citizens of that nation. This is the first evasion of this treaty, attempted to be made by the Cherokees.

The ninth article of this treaty in question provides that all freedmen, Cherokee freedmen, and their descendants, shall have all the rights of native Cherokees, and that all free colored persons who were in the country at the commencement of the rebellion, Cherokee country, and who were residents therein on August 11,1866, or who if absent therefrom on that date, should return thereto prior to Feb. 11,1867, and their descendants, shall have all the rights of native Cherokees.

It is contended that the above construction is not proper and that the meaning of this sentence is as follows: that all freedmen, free colored persons, and their descendants, who were in the Cherokee country at the commencement of the rebellion and were residents therein on August 11,1866, or who if absent therefrom on that date should return thereto prior to February 11,1867, shall have all the rights of native Cherokees.

[illegible] contention [illegible] rotation of the treaty provision in question. The federal court in the case of [illegible] vs. [illegible], 20 Fed. 240, in reference to the interpretation of contracts says: "If the language of a contract is plain and unambiguous it is not allowable to ascertain the intent of the parties thereto."

The courts have held that a treaty is a contract, 11 U.S. 418, and that a treaty is the supreme law of the land; 94 U.S. 92, and that an Indian treaty is as much the law of the land as a treaty with a foreign power; 106 U.S. 544, and that courts will not be permitted to make exceptions to treaties in construing them; 7 Wheat. 40, and that courts will interpret treaties according to their terms; 11 How. 609.

If the sentence in which the Commissioner are to give to certain persons certain rights, is not ambiguous in its construction, and we submit that it is not, and if the courts above mentioned are authority on the question of construing treaties, and we submit that they are, there is no room for contention in regard to the meaning of this treaty provision.

In order to arrive at an understanding of the intention of parties who embody their agreements in written contracts, it is necessary for us to analyze such writing; and if such analysis discloses the fact that no ambiguity is apparent, but that a meaning is clearly revealed, that meaning is their sole purpose, must, under the law, be given full force and effect.

It is well understood that in the construction of statutes, a relative word or clause has reference to its first antecedent only unless to so restrict its application will manifestly do violence to the plain intent of the language; 17 Co. Ct. Rep. 11, and that courts will not be permitted to make exceptions to Indian treaties in construing them, as they are recognized as the supreme law of the land. In this provision, in question, there are three relative words. The relative words represent word preceeding them, and

join to such words the leading class of which these relatives are the subjects.

[illegible] the [illegible] relative and the [illegible] "first antecedent". [illegible] possibly that a relative [illegible] to one and not the last only refers to the [illegible] [illegible] relative word [illegible] the last antecedent [illegible] class [illegible] the subject. The antecedent [illegible] relative [illegible] word, phrase or clause.

[illegible] is [illegible] and [illegible] clause [illegible], or [illegible] more than one antecedent.

[illegible] is no [illegible] first relative [illegible] this [illegible] revision [illegible] for [illegible] and [illegible] it the modifying clause of [illegible] relative [illegible]. The second relative word in the [illegible] refers back in reference to its antecedent and [illegible] the last antecedent to the clause of which it is the subject. The antecedent of the relative word is persons.

[illegible] to give the [illegible] restrict the application of the clauses would [illegible], and [illegible] the intent of the language, [illegible] restriction would not be [illegible], as such a restriction does not, in any manner, do violence to the intent expressed by the language.

It has been held by the courts that in [illegible] contracts [illegible] will not be [illegible] the latter party not [illegible] an absurd or impossible condition; 21 An. Dec. 470; and that when a contract is susceptible of interpretation, it is proper and permissible to look at the other provision of the contract in order to arrive at a correct construing of the contract in question. In other words a contract is to be construed according to the intent of the parties, and by looking at all the provisions of the instrument, and not at one alone; Potter vs Berthelet, 20 Fed. 240.

Blackstone tells us that:"If words are dubious, we may establish their meaning from the context, which may be used to compare a word

sentence, whether it be ambiguous, equivocal or intricate. Thus ... amble is often called in to aid in the construction of an act of ...liament. Of similar merit is the comparison of a law with ... laws, made by the same legislator, that have some affinity ... subject, or that ex remoti relate to the same end." ... rules are cross ... either none, or a very absurd ...ificial one, if literally understood, ... must deviate a little from ... received sense of them.

... is the most ... and effectual way of discovering ... meaning of the law, when the words are doubtful, viz: to consider ... reason and intention of the legislator ... made it, for when ... reason ceases ... right to cease with it".

... article ... the stipulations ... refer to the other provisions of the treaty, and we find it was not the intention of the contracting parties to ... the same respect ... on freedmen ... were ... to free colored persons.

In article four of this treaty we find the following language: "All the Cherokees or free persons who were formerly slaves of the Cherokees, and all free negroes not having been such slaves, ... shall be entitled to certain rights. Here it is observed that freed persons and free negroes are recognized as two distinct classes of individuals, freed persons and Cherokees, being classed together.

In article ten of this treaty we find the following language: "Every Cherokee and freed person resident in the Cherokee Nation shall have a right to sell ... product of his farm ",etc. In this article it will be observed that no mention is made of free negroes at all. Cherokees and freed persons are placed upon the same footing. It is observed that it was not the intention of the contracting parties, to give to free colored persons the same privileges and rights that were given to freedmen-freed persons, in this article.

If in compliance with the suggestions of Mackenzie, we consider the cause which moved the United States and the Cherokee Nation to enter into this treaty, it will be noted that the agreements made therein by the Cherokee Nation, were made because of the fact that the Cherokees had violated their former political obligations to the United States, and as the fortunes of war had gone

[illegible] [illegible] [illegible] these agreements to be [illegible], as considerations for [illegible] with the political relations that [illegible] [illegible], before the [illegible] of the rebellion.

It was [illegible] the fourth article (and 3rd. Con., C) that [illegible] [illegible] [illegible] it was [illegible] [illegible].

At the [illegible] [illegible] [illegible] of the Confederation, John Ross, [illegible] [illegible], unless these covenants be regard to freedom [illegible] [illegible] stricken out. Chief Ross [illegible] United States troops from his nation in the summer of 1865. [illegible] [illegible] unit on [illegible] [illegible] [illegible] after that date. The delegation [illegible] Confederation, who signed this treaty, were entirely [illegible] circumstances, and [illegible] [illegible] regard to freed [illegible] [illegible], [illegible] the price to be paid by [illegible] [illegible] [illegible] treaty obligations with the United States, [illegible] United States was in a position to, and [illegible] agreement, to be made.

If this second clause [illegible] to the location of free colored persons at the [illegible] of the war, also refers to free persons-freedmen, a slave of a Cherokee citizen, who was out of the Cherokee Nation [illegible] the rebellion began and who at that time was engaged in doing his master's bidding and who returned to the Cherokee Nation on the following day, and remained therein until the present time, without ever having been out during his life except on the day of the commencement of the rebellion, would not be entitled to enrollment, as that clause is: "who were in this country at the commencement of the rebellion".

Such a construction is too absurd to be considered and yet if this clause of which this second relative were is the subject, does not refer to, or in any manner modify or limit the word freedmen

t . 'ra cl ' ' does not, beca ' ' ' clause : to a cert ' ' exter ' ' eq iv ' ' of t ' ' ord.

' ' '

order to ascertain who were the persons entitled to participate in the distribution of certain Cherokee funds.

In the construction of this roll, hundreds of freedmen applicants were originally enrolled, and it was not until after [illegible] that an effort was made to apply the limitations of the treaty of July 19,1866, to freedmen.

It may be laid down that it is a cardinal rule in the construction of written instruments to give to the words their ordinary and grammatical meaning; 40 Miss. 710.

It is true that fair minds may reasonably differ as to the conclusions that should be drawn from certain evidence, but there can be no such difference in regard to such a matter as the analysis of a simple declarative sentence, and especially when such sentence is written in the language of the country, and discloses the fact that its authors used, what the Supreme Court of Vermont termed, "nice grammatical construction," in its composition, no more than can there be a doubt but that the sum of the square of two numbers, is equal to the square of the first, plus twice the product of the first by the second, plus the square of the second.

The language of this treaty provides that five classes of persons are, by reason of the agreement, vested with or entitled to the rights of native Cherokees. These persons are:

1. All freedmen [illegible] who are included by voluntary act of the former owner;
2. All freedmen who were liberated by law;
3. All free colored persons who were in the country at the commencement of the rebellion, and were residents thereof on August 11,1866;
4. All free colored persons who were in the country at the commencement of the rebellion but who were absent therefrom on August 11,1866 but returned thereto prior to February 11,1867.
5. The descendants of all the freedmen and persons above mentioned.

[illegible] above [illegible] respectfully refer to our brief and argument on motion [illegible] [illegible], [illegible] to [illegible] evidence, [illegible].

[illegible] [illegible] [illegible] [illegible] licants, Burrell Daniels to acquire [illegible] [illegible] (a [illegible] [illegible] licants [illegible] [illegible] [illegible] [illegible] principal) [illegible] [illegible] decided [illegible] [illegible] [illegible] [illegible]

17.

a licants as in their respective applications prayed for.

Respectfully submitted,

_____

Attorneys for Applicants.

Service of the foregoing motion admitted by the attorneys for the Cherokee Nation, this ____ day of December, 1906, and a receipt of a copy of the same is hereby acknowledged.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation

By _____
Secretary.

[illegible] AMERICA,
[illegible]
[illegible] District.)

[illegible] is [illegible] truth, [illegible] truth, [illegible] truth, [illegible] that:

[illegible] slave of [illegible], [illegible] and my wife, Arinda [illegible], [illegible] slave of Johnson Thompson, and am a recognized [illegible] Choctaw Nation.

[illegible] Civil War, I was with the Confederate army, under Col. Joel Bryant, and I drove teams and cooked, [illegible] for Col. Bryant.

Col. Bryant had under his charge a great many slaves belonging to the Choctaws. We were kept together, the women slaves mostly with the white women and the men slaves stayed under Col. Bryant's immediate charge.

Col. Bryant was a white man and was married to Peggy Wright who was part Choctaw by blood.

[illegible] as soon as news came to us that the Federal army was coming, to get all Indians out of the way of Col. Bryant. He sent the Indian women, Indian women and women slaves and children out of the way of the Federal army, as well as the men slaves.

[illegible] I was with Col. Bryant for about four years [illegible] war closed.

We were at Fort Arbuckle, in the Choctaw Nation, when [illegible] under Col. Bryant, when we first learned that the war was over and our lands. [illegible] had gathered all of the slaves together, and told them that we were to go to Mexico, and that if we stayed in the Nation we [illegible] all be killed, but that if we went to Mexico we would be placed on farms.

[illegible] to cross the Rio Grande, to Paso. [illegible] with [illegible] Austin, but met a number of [illegible] Federal army [illegible], [illegible] from the [illegible]. The journey was [illegible] two weeks, while we got just all sorts of [illegible].

[illegible] lions [illegible] to [illegible] to [illegible], to [illegible] Mexico from the U. S. [illegible] forces. We [illegible] several hundred of them, and all of them were [illegible] soldiers. We [illegible] them across the [illegible], the [illegible] were not free, and as we had never heard of Prosper [illegible] reclamation, we [illegible] it, and as we could not [illegible] ourselves we had to [illegible] along, [illegible] our road.

We camped in order to rest Col. Bryant's teams. [illegible] Col. Bryant sent some of [illegible] men back to get cattle. They were gone ten or twelve days. When they returned they had [illegible] one hundred head of cattle.

After the return of the men, Col. Bryant gave all of us [illegible] out on the [illegible], and we traveled about six or seven miles, [illegible] came to a [illegible] made of adobe with a grass roof. We stopped there to rest his teams, and the next day we called all the [illegible] colored people up and made a stand in line. Col. Bryant then said to us: "You owe me and you must pay me, and the first one [illegible] that owes his money I will kill him", and he then made us [illegible] sort of a paper. We did not know what was in the paper, but [illegible] of us could read, but we had to sign and all did.

We then traveled for a week or more before we came to the Rio Grande River. We then crossed into Mexico and traveled for a hundred and sixty miles, until we got within a mile of Chihuahua, where we camped. At Chihuahua, Col. Bryant said that we owed him five hundred dollars- that is each family.

The French troops were in possession of that city. Every day

[illegible] exic[illegible] [illegible], and [illegible] [illegible]. Col. [illegible] [illegible] [illegible], [illegible] [illegible] him [illegible] [illegible].

[illegible] this after[illegible] [illegible] [illegible] my [illegible] [illegible] [illegible], [illegible] [illegible] [illegible].

Col. [illegible] [illegible] [illegible]

for it's bill of $115.00.

The Mexicans were [illegible] to the [illegible] and [illegible] government of the state of [illegible] work [illegible] dollars a month. The government officials [illegible] and set us to work.

The wife of the governor's [illegible] and three children [illegible]. [illegible] work. [illegible] was a refugee [illegible], who had come there from Fort Santa Fe to escape [illegible], and he was a very kind man. [illegible] city and the [illegible] dollars, and we [illegible] month.

[illegible] and [illegible] and [illegible] the German hotel called Schultz's, as [illegible] all of [illegible] there. We all [illegible] at the hotel [illegible] without service, to keep us [illegible] the States. [illegible] Service. [illegible]. I would [illegible], but I [illegible] wife to [illegible] American, [illegible] and under [illegible] Chihuahua.

I [illegible] that [illegible] Commanded to San Antonio Texas. [illegible] will [illegible], and cooked and [illegible] will at [illegible] dollars [illegible].

While I was riding [illegible] United States officers left Fort Davis [illegible] by [illegible] Generals, on their way to Chihuahua, looking for me, but I [illegible], [illegible].

These officers went to the city and told the Mexican Governor that the Mexicans would have to pay for every year that they held us, and that the United States would hold them to this payment.

The Mexican governor then called my family and all other colored people to meet them at the court house. The colored people met there and the Mexicans proved to the American officers that the city and country was in the possession of the French at the time

[illegible] Mexico [illegible].

[illegible] officers came back [illegible] I [illegible] to send for [illegible].

[illegible] all that I have to tell about, [illegible] to Matamoros [illegible] to Del Norte, Mexico.

[illegible] was a wagon train from [illegible], and they bought my [illegible] and I joined them, and we started on to Fort Davis, Texas. I paid my way for fifteen dollars for [illegible] to me. In four weeks we came from the Rio Grande to San Antonio, and I went to the Mayor's office; and when I asked him what I could do, he said and told me, across the country, to go back and said, "you have made your bed, now lie in it", and he gave me $4 dollars.

We went to Fort Davis and the officers there sent me out one, and I was a year and told me that if they would give me a position, on account of that year.

I remained there about two years and moved my family back to the Cherokee Nation and arrived here about the year 1870.

I came here to the full-blood Cherokee Nation and [illegible] to the neighborhood. I worked on all the way full, and the council met again. At the next meeting of the council he [illegible] to [illegible] and got up and said: "Here is a man, I [illegible] to live here" and asked if they knew me, and some said they did and while others said they did not. Others said that they would witness the fact that I had been carried away into Mexico, as they had started with the same brigade I was with and had turned back. [illegible] head's wife was a young mistress, and she took it to council and got right here to me, and she told them that if any member of the Cherokee ought to have a right, I ought to have one, as I was carried off to Mexico while others here were enjoying their liberty. Her

by [illegible], George Butler, and George Irving made up a bill and re-
[illegible] to the roll. Cliff [illegible] was the first man to
[illegible]. George Butler took me, with the bill in his hand and went
[illegible] principal members of the roll to get
[illegible] bill, and they all signed it except two full bloods,
and [illegible] Ivy [illegible] of the others and want to see for the
[illegible] consider the matter, and said to me, come on and let
[illegible] full bloods get full; you are a citizen by right, and we
recognize [illegible]; when they [illegible] back to their homes
[illegible], I don't [illegible] full bloods a little more time, you
[illegible] and [illegible] [illegible] at. But
[illegible] them, let them go to hell, this is a nigger and
he is a citizen.

After I was working on this line between the Cherokee and
Creek nations, a letter came to me from the capitol of the
Cherokee Nation saying don't go before these Commissioners
(Kern-Clifton) until they come to Tahlequah, and we will see that you
are placed on the roll. I waited and went to Talequah, and when they
[illegible] selected Mr. Pushmead to be a witness for me.
Pushmead's mother-in-law and sister were there to testify for me,
and the Commission would not let them come in, as they said they
were [illegible] and female, and that Pushmeads evidence was as good
as [illegible] and would be, and they ordered me enrolled.

I drew my money on the Wallace roll, the Kern-Clifton roll
and the Cherokees paid me one payment themselves.

I made application to the Dawes Commission to be enrolled,
and produced evidence before that Commission to show that I had
been taken out of the Cherokee Nation by Col. Bryant, had been sold
into slavery in Mexico and had returned to the Cherokee Nation as
soon as I was able to return.

The Commission rejected my application because I did not get
back to the Cherokee Nation prior to February 11,1867.

I never became a citizen of any other state or nation than the
Cherokee nation, and have been a resident in the Cherokee Nation,

7.

[illegible] sixty-[illegible] of 1.79.

[illegible] affidavit [illegible] of the motion for a review [illegible], in behalf, and because of [illegible] facts [illegible] Power of Attorney.

[illegible] the [illegible], I [illegible] the [illegible], and the [illegible] Secretary of [illegible] District [illegible] Kingdom to [illegible] action for a review of the case, and [illegible] transcript [illegible] of the [illegible] Court, I [illegible].

_____

Chief Examiner.

Dated at [illegible] this ___ day of December A.D. 1[illegible].

_____

Secretary.

I hereby certify that, _____, I [illegible] service of the foregoing affidavit upon the [illegible] Corporation and a copy of the same received, this ___ day of December, A.D. 1[illegible], by [illegible], I.T.

[illegible], Rutherford and Davenport,
Attorneys for the Petitioning Creditor.

By _____
Secretary.

DEPARTMENT OF THE INTERIOR,

In the matter of the application of BURRELL DANIELS, ET AL., to be enrolled as freedmen citizens of the Cherokee Nation, Cherokee Freedmen R. 40.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and most respectfully protests against the reception by the Department of the ex parte affidavit of BETTY McCONNALL, because no reason is shown why this witness could not have been gotten before the Commissioner to the Five Civilized Tribes at the several hearings had of the Burrell Daniels case.

From time to time during the years of 1901 and 1902 the Commission to the Five Civilized Tribes held sessions throughout the Cherokee Nation at various places convenient to freedmen applicants, and since that time the office has been ope open for the reception of testimony continuously here at Muskogee, Indian Territory. This freedman applicant could have been brought before the Commission at any place where it held a session, or at Muskogee at any time, yet the applicants did not see fit to bring her for examination and cross examination. This old woman can not read nor write, and of course this affidavit was manufactured for her in advance and she signed it, rather touched the pen and made her x mark. The very language of this affidavit shows this; she could not have used it. There is no question but what there are words throughout the affidavit which she does not know the meaning of and she has been made to say a great many things against R. W. Lindsay throughout this affidavit that decent language requires that we not comment upon. There is not man in the Cherokee Nation who stands higher or is more reputable than R. W. Lindsay, and the attorneys for the Cherokee Nation challenge any human being to bring any one before the Commissioner to the Five

Civilized Tribes who will in the slightest degree reflect upon the integrity of R. W. Lindsay. The Commission to the Five Civilized Tribes have never permitted the filing of an affidavit in a citizenship case, neither upon the part of the applicants nor upon the part of the Cherokee Nation. The Cherokee Nation has been required to go all over the State of Kansas in the search of witnesses and to bring them at a heavy expense to the Cherokee Nation before the Commission for examination and cross-examination. We have sent to Arkansas for some and a few have been brought from Texas in citizenship cases. The attorney representing the applicants in this case knows the rule of the Commission and he knows that these affidavits are not admissible and he knows further that no man in the country stands higher for truth and veracity than R. W. Lindsay, and he seeks to prejudice the Department in this case by getting up an ex parte affidavit and forwarding it to the Department. If R. W. Lindsay is not a reputable man let the attorney for applicants in this case produce witnesses who will swear it, and we insist that an ex parte affidavit of an old, ignorant freedman woman, who can not read nor write, viciously attacking a reputable citizen of this country, should not be received.

In connection with this case we comment upon the fact that this same attorney has been in a number of other cases getting up affidavits and sending them directly to the Department, against all of which we want to file our most solemn protest, and we would like to have a ruling from the Department upon the question of the reception of this and other ex parte affidavits.

Wherefore, the Cherokee Nation moves that this affidavit be not received; that the same be returned to J. J. Bulger, the attorney of record who forwarded the same, for the reason that it is an ex parte affidavit and that full opportunity had been given the attorney for Burrell Daniels to bring all the witnesses he desired for examination

before the Commission to the Five Civilized Tribes.

If this affidavit is received then there will be no end to the taking of ex parte affidavits, and if that is permitted in one case there will be no limit to the practice. It would prove to be a most dangerous practice, and we reiterate that during the past five years that we have been engaged in making this roll of citizens of the Cherokee Nation, that ex parte affidavits have never been received as testimony by the Commissioner, so far as we are advised, by the Department.

Respectfully submitted,

_____

_____

_____

Attorneys for the Cherokee Nation.

BEFORE THE DEPARTMENT OF THE INTERIOR,

Washington.

To the Honorable,

Secretary of the Interior.

In the matter of the application of Burrell Daniels, et al., for enrollment as Cherokee freedmen (C. F. D-840).

R E P L Y
(To the Protest of the Cherokee nation to the receipt and consideration of the affidavits of Betsy McConnell and others)

On the 22nd of November, 1905, I received from the Cherokee attorneys a copy of their protest against the receipt and consideration by the Department of the Interior of the affidavit of Besty McConnell, as well as many other affidavits of like nation, and a request that the Department return the affidavit of Betsy McConnell to J. J. Bulger before it is received, because why? Because to receive such affidavit is "dangerous".

In the last sentence of this protest the Cherokee attorneys say:

"that if that (Introducing affidavits) is permitted in this case there will be no end to limit to the practice;"It would prove to be a most dangerous practice" .

INDEED. The frankness with which this statement is made is worthy of a better cause. "There will be no limit to the practice" , and "It would prove to be a dangerous practice".

The Cherokee attorneys with their "five years" experience in this business, are no doubt in a possition to know that there need be"no limit to the practice"of submitting affidavits tending to show that in these "five years" there has been transacted vocal manipulations in the Cherokee nation that would be, indeed, a "most dangerous practice" to call to the attention of the Department.

Their frankness in making this statement appears to be an "open confession" that the above conclusion is right.

In the Jackson Davis reply we called the attention of the Department to some of the "dangerous" points in the practice" of Departmental consideration of this class of affidavits, and I will but briefly refer

to some of the statements made in that reply under the head of "EX PART A FIDAVITS" .

These Cherokee freedmen are a very poor and ignorant class here (This is not intended as testimony, as it is well known to the Department. See letter of March 1, 1904, of the Secretary to the President)) These freedmen have been enrolled several time during the past 35 years, and the last time by a commission composed of a representative of the Cherokee nation, Mr. Thompson of Vinita, Indian Territory; A representative of the Secretary of the Interior, Mr. Clifton of Georgia and a representative of the Cherokee freedmen, Mr. Kern of St Louis.

In their misfortune and ignorance these freedmen thought that such enrollment identified them as Cherokee citizens, and when in 1898, Congress directed the Dawes Commission to make rolls of the citizens of the Indian Territory, these freedmen thought that it would not be neccessary for them to sacrifice all the owned to secure additional testimony to identify them before the Dawes Commission.

Some of them like Burrell Daniels and his family had been enrolled by the Secretary of the Interior, himself, after they had been rejected by the Kern-Clifton Commission and of a right thought that such enrollment ought to be conclusive evidence of their identity, but these same Daniels have since been twice rejected by the citizenship commission here, and that last time notwirhstanding the Opinion of May 9, 1905, and this last time upon the testimony of this man W. W. Lindsay in whose defense this Cherokee protest seems to have been written. In this defence of Mr. Lindsay, the Cherokee attorneys say, "THERE IS NOT A MAN IN THE CHEROKEE NATION WHO STANDS HIGHER OR IS MORE REPUTABLE THAN MR. LINDSAY". It is not my purpose to write a defence of the Cherokee nation,s people. Mr Lindsay is reputable, etc. in the Cherokee nation, but the Department is too well informed relative to the matter of the abduction and sale of Burrell Daniels by Col. Joel Bryant to not know that no matter the reputation and standing of the man who testifies that that there was no abduction and no sale. Such testimony is of the character designated by Judge McConnell

in her affidavit which the"CHerokee nation moves"***"be not received" and "beretrned to J. J. Bulger".

In addition to the knowledge within the department of the facts set out in that affidavit, we again refer to the testimony of this same witness, Lindsay, given by him before the Dawes Commission in his testimony in the Otto Martin case (C. F. D-633). In this testimony given on September 20, 1901 we find the following:

> "Q. Well do you say Joel Bryant sold Otto Martin?
> A. Yes sir.
> Q. The latter part of 1865?
> A. About the latter part of May 1865.
> Q. Well that was after he was freed was it not?
> A. I could not say about that; the section of the country we was in we did not know about that. We was buying and selling at them times".

This was evidently the same Bryant who took Daniels with him as his slave; this was evidently the same trip across Texas in the "spring or summer of 1865". This Bryant arty seemed to have wintered in or near Shawneetown, I. T., during the winter of 1864 & 5. They left Shwneetown in the spring of 1865 and went to Col. Folsom's place over northwest of Doakesville on the Kimeohia river and there learned that the rebellion was over. They then turned and started to Texas, and Mexico, and they was buying and selling at them times according to Mr. Lindsay's testimony of September 20, 1901. According to his testimony of June 8, 1905, the relation between Col. Bryant and his slaves was "amicable" at "them times", and Daniels vonunteered to go to Mexico with Bryant and agreed to pay him for his transportation. And all this is a matter of record (See Otto Martin and Burrell Daniels cases), and yet the representatives of the Cherokee nation "most respectfully protest against the receiption by the Department of the ex parte affidavit of Jessy McConnell" which calls attention in plain terms to the character of the statement contained in the testimony of Mr. Lindsay, but no where do they say that this McConnell affidavit is not the truth, the whole truth and nothing but the truth.

No place do the pretend to deny the statement contained in that affidavit.

But they protest against its receipt by the Department because no reason is shown why this witness could not have gone before the Commission to the Five Civilized Tribes, In her affidavt Betsy McConnell swears that she did not know what had become of Daniels until "a few weeks ago". Neither did Daniels know what had become of Betsy McConnell, but even if they had known of the whereabouts of each other, this would have been no legitimate excuse for such a protest as made by the Cherokee attorneys when coupled with the rest of that compilation. The real reason is: the consideration by the department of such an affidavit "would prove to be a most dangerous practice "Dangerous" for who? Not for the Department, not for the Cherokee freedmen.

The Cherokee attorneys tell us that "of course this affidavit was manufactured for her in her absence and she signed it". It may have been manufactured for her in her abdence, but it will be noticed that according to the cirtificate of the officer attached to it, it was not signed in her absence, and the two witnesses to her mark give their names and post office address and are still residents of Choteau.

Thus this old freedman woman cannot read or write, but the Cherokee attorneys can, and they have not written a denial.

The impliedly admit the truth of there statement of Betsy McConnell made in this affidavit, but claim that they were "manufactured for her. If she is a woman who can neither read nor write it is quite likely that they affidavit was written for her (manufactured), but the officer , Samuel, certified that he read and explainedthe affidavit to Betsy McConnell andthat he knew he to be a woman worthy of belief, and that after the whole paper had been read by him to Betsy, she swore that the facts therein contained were true. The physical work of making an affidavit is usually done by some other person than the affiant..

They say that there "is no question but what there there are

words throughout the affidavit which she does not know the meaning of, and she is made to say a great many things ~~XXXX~~ against E. W. Lindsay that decent language requires that we not comment upon". "DECENT LANGUAGE" is too exacting in its requirements. It ought to be ashamed of its self.

It ought to permit a man to deny that he made false statement underoath. I will guarantee that Betsy McConnall whith all of her ignorance, never permitted any person to say such thing about her, simply because of a poverty of decent language. How easy it would have been to have denied these statements in the most delicate sort of language, if they were not true, but it will be observed that no denial is made of the truth of any of the statements contained in this affidavit. No man stands so high and is so reputable that decent language will not permit him to , or his attorneys to, deny the truthfullness of an assertion that he has made false statements under oath.

Such statement ans such excuses as contained in that protest are really not worthy of this little notice. They are so flimsey and void of force that even Betsy McConnall would deign to go on record as their author, but since these statements have been made by three men who are the legal representatives of a Nation of people, I trust I may be excused for even this much of a comment, but I shall not feel that the Department is unjust if theexcuse is not granted.

SEARCHING FOR WITNESSES

The Cherokee attorneys tell us that they have put the Cherokee nation to "heavy expence" to "search" for witness, etc.

This is another"open confession". The last quartette the Cherokee nation's attorneys found in their "search" cost the Nation not less that $250.00 to make the "search" and bring the witnesses(Celia Kirkpatrick case), and even the Cherokee attorneys will not claim that this was $250.00 entirely lost to the Nation. In the Mary Riley case

the witness from Lawrence, Kansas, alone cost the Cherokee nation about $350.00, to say nothing of the cost of the "search". It must have cost a little penny to "search" and produce a witness who had a bible printed in 1869 that contained the record of a birth written therein in 18669 Joe Ross case)."Doctored" account books sometimes come high(Daniel Lynch case), but of course folks will swear one way on September 20, 1901 and another way on June 8, 1905, for no other purpose that to sustain their reputation (Otto Martin and Burrel Daniels cases), and others, etc.

But then it does seem to be a shame that when the Cherokee attorneys will put their Nation to the "heavy expence" to "search" all over Kansas, Arkansas and Texas for witnesses who will testify to such as mentioned above, that the freedmen will be permitted to show that such testimony is void of truth at such a little expence as that of a Notary Public's fee ($.25); or that the Department will permit the records of the War Department to sustan the freedmen against the testimony of such men as G. W. Clark, E. D. Knight, J. C. Trott, and others. (See Tobias Bean ase) Or that the Department will take the record of the testimony given before a former commission as conclusive evidence that the senior counsel of these protesting counselors was not correct in his testimony before the Dawes Commission (Elias Gaines case).

Of course the consideration of affidavits by the Department is a "dangerous practice"; so is the consideration of the records of the Department of was, and of former commissions here. So is the consideration of the record of the Dawes Commission on September 20, 1901, when compared with the record of the same commission of June 8, 1905.

It is all"dangerous" , abd the Cherokee attorney "would like to have a ruling from the Department upon the question of the receipt of this and other ex parte affidavits". We do not make "our most solemn protest" against such ruling, as the writer does not feel in a "solemn" mood. He does not consider the reception or con-

sideration of such affidavits "dangerous" to him or to the Cherokee freedmen.

He was not in the Cherokee nation when the Tobias Bean case was tried; nor the Joe Ross case; nor the Eliza Gaines case; nor the Otto Martin case; nor the Daniel Lynch case; nor the Burrell Daniels case - the first time - and he never caused the Cherokee nation to incur a "heavy expence" to "search" for testimony of the kind noticed in this case and in many others. If he had been guilty of such, he would no doubt now "file (his) most solemn protest" against the consideration by the Department of such "exparte affidavits", in as much as the Department has shown an inclination to look upon such work with a consideration recognized by public officials as "dangerous".

Respectfully Submitted.

Attorneys for Applicants'

In the mat or of the application of Burrell Daniels, et al. for enrollment as Cherokee freedmen.

BRIEF AND ARGUMENT FOR APPLICANTS.

S T A T E M E N T .

The RECORD shows that each of said applicant was the slave of a Cherokee citizen at the commencement of the rebellion and was entitled to his freedom under the emancipation act of the Cherokee national council of February 16, 1863, or is the descendant of such a slave;

That each of said applicants was a CITIZEN and LEGAL RESIDENT of and LEGALLY DOMICILED in the Cherokee nation on August 11, 1866, and when they arrived in San Antonio many years later;

That the Cherokee nation has not even attempted to prove that said CITIZENSHIP, RESIDENCE and DOMICILE was ever abjured, abandoned or lost;

That none of these applicants nor their ancestors ever became citizens of any other government than that of the Cherokees;

And that application was made to the Commission to the Five Civilized Tribes for enrollment as Cherokee freedmen by and for each of these applicants prior to September 1, 1902.

The question now is, do these facts entitle these applicants to enrollment as Cherokee freedmen?

A N S W E R .

We respectfully submit that these fact entitle these applicants to be enrolled as a Cherokee freedmen.

The opinion of the Assistant Attorney General for the Department of the Interior, Honorable Frank L. Campbell, dated May 9, 1906, in the matter of this application, leaves Burrell Daniels

and his family in San Antonio, Texas, in the 70s, the "political equals" of ative Cherokees, entitled to share equally with them in the sub-division of their common property.

The evidence before the Assistant Atterney General at that time fully justifies the conclusion reached in that opinion. Whatever evidence has has been introduced since that time further justifies it.

At that time Daniels was a citizen of the Cherokee nation with his domicile there, has he since that time expatriated himself, or in any manner abjured his Cherokee citizenship?

To have done these things, the above opinion holds that he must have done so in precisely the same way as a Cherokee citizen of Cherokee blood would have done under the same circumstances and calls attention to Section 2 of Article 1 of the Cherokee constitution, which is as follows:

> "Whenever any citizen shall remove with his effect out of the limits of this nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease."

In his opinion approved September 10, 1896, the Assistant Attorney General for the Interior Department, Honorable William A. Little, said, relative to the effect of this provision upon Cherokee freedmen:

> "I am therefore of the opinion that a freedman of the Cherokee nation could only become a citizen of the United States by naturalization, or by putting themselves under the provision of the act of February 8, 1887, and in the latter even would not be deprived of participating in the distribution of the funds awarded them by the judgement of the Court of Claims aforesaid."

And the United States Circuit Court has held (1 Dill. C. C. 544) that to become a citizen of the United States, an Indian must comply with some treaty providing for his naturalization, or with some statute authorizing individuals, or special tribes to assume citizenship by due process of law.

It is established beyond a shadow of a doubt that Daniels was a citizen of the Cherokee nation when he arrived in San

There is no evidence that even tend to show that he or any of his children ever complied with any treaty or general or special law authorizing them to become citizens of the United States. In fact the evidence is all to the contrary.

The fact of citizenship in a country being once established, is presumed in law to exist until the contrary is proven, and the burden of proof is upon the party denying its continuance; Hauenstein -vs- Lynham 100 U. S. 483.

A man is always regarded as a citizen of his native state until it can be proven that he has established a citizenship elsewhere; Minneapolis -vs- Reum 56 fed. 576, 12 U. S. App. 446, 6 C. C. A. 31.

Hence proof of foreign birth casts that burden of proving citizenship in the nation where the individual resides; 27 N. Y. 45, 4 Rand.(Va.) 583, 53 N. [illegible] Sup. 1. 572, 51 Miss. (N. Y.)32.

The record shows that Daniels' original citizenship was in the Cherokee nation where it was conferred upon him in 1866.

The record shows that he alway consided the Nation his home and that he always intended to return thereto.

The record shows that he never became a citizen of any other government than that of the Cherokees.

The record shows that the Cherokee nation did not even attempt to prove that he ever became a citizen of any other government than that of the Cherokee antion.

The legal presumption is that he did not and that none of his famile did.

The record shows that he was compelled to leave the Nation in 1865 or sooner, and the Supreme Court of the United States holds that presumption of abandonment of citizenship cannot arrise when departure in compulsary; 20 fed. 250.

We will make no further reference to the wellknown principles of law governing these class of cases more than to refer to the instruction given in regard to the expatriation of

citizenship by Cherokee freedmen by Secretary Noble, and we will now pass to a brief review of the evidence adduced in support and in contradiction, of the claim made by these applicants.

Since this case had been remanded the Cherokee nation has introduced the evidence of Mr. Lindsay and Mr. Baugh, two sons-in-law of Col. Dole Bryant, who with their families accompanied him to Mexico. The great weight of this testimoney sustains Daniels in his assertion that he was carried off by Bryants/ and his party by intemidation and force, and the assertion of the Assistant Attorney General denomination them as "one of these insurgent banditti" is clearly unsustained by this evidence and by the history of the times.

In his testimony, Lindsay admits that Daniels and the other colored people carried away by Col. Bryant's party were held in bondage and treated as slaves until they reached the abandoned fort fortress of Ft. Stockton, where he sayd Bryant gave them their liberty, and intered into contracts with the males of these colored persons to convey them and their families from Ft. Stockton to Mexico.

These poor slaves had been carried away from the nation and landed in Ft. Stockton, a deserted fort in a desert region about 200 miles from any settlemeny or habitation of human beings where food, means of transportation support or sustinance could be had. They were unarmed, and in a land infested with armed hostile savages, and to a large extent destitute of water. About them was Col. Bryant and his "brigands".

In this country, under these conditi ons and under these circumstances, Daniels and the other colored men who were lined up by Col. Bryant, were informed by him that they were free men.

As a first act of free men, they were requested to sign a ~~contract covering~~ contract with Col. Bryant agreeing to pay him for carrying them and their families from the Cherokee nation to Mexico.

The witness, Lindsay, says that he was present and signed the contract, and that he heard no threats and saw no violence used to compell the execution of said contracts. The witness, Ed Baugh, says that one Stewart and about 15 ex-confederate soldiers came up, and accompanied the party. Daniels says that this same Stewart and some of his men after they had started on the trip, went back and brough up a herd of cattle. He fixed the number at fifteen hundered (1,500) The witness Lindsay, said that Bryant only had about fifty head with him, but upon his RECALL by Mr. Hastings, he spoiled his testimony in chief by permitting himself to get in that condition in which the Gods make folks whom they would distroy, and upon being pressed admitted that Stewart did go back and get a herd of cattle, the number of which he did not exactly know, but thought it was about 200. Daniels is an ignorant, uneducated old negro. At the time Bryant and his party took him and the cattle across Texas, he was a kidnaped freedman. It may be that he overestimated the number, and it may be that Mr. Lindsay underestimated it .This was evidently a herd of cattle that had been gathered up in eastern Texas and kept out on the plains to protect them for just such parties as Bryant's gang. But however that may be, the fact is established that these cattle hustlers went back from Bryant's party and brought up a herd of cattle, which was driven across the plains with the party to Mexico.

Daniels testifies that when the cattle was brought up, the party marched for two days and night with but little rest to keep away from the Texans. This is not denied by any witness. It is true that Mr. Lindsay said that Col. Bryant had nothing to do with these cattle, but be that as it may, they were taken with his party which used ever effort in their power to keep away from the cattle owners. This was no doubt to accomodate Stewart. It is not clear what did become of these cattle, but it is intimated

that they were disposed of before the party reached Ft. Stockton.

We will not enter into a discussion of the relative merit of the testimony of the witnesses in this case.

It is too late now to try to shield the good name of Col. Bryant. The testimony in this case clearly shows that he was the leader and spirit and soul of this party of fugitives which sought Texas and Mexico to avoid the Yankees. He knew that when by fraud, misrepresentation, threats and force he compelled these colored people to accompany him in his flight to Mexico, that they were free men. He knew it when he took them to Mexico and disposed of them there as he did. The evidence shows that he was the companion, associate and friend of cattle thieves, and that he himself was a kidnapper of men, women and defenceless children.

This pretended contract of which the witness Lindsay testifies is repugnant to the instincts of humanity and the principles of justice.

There was no choice given these colored men whose signatures were affixed to this contract, and there was no freedom of contract in the transaction. The whole proceedings was inequitable, fraudulent, tyranical and brutal.

Plaintiffs statements are clearly truthful, and are sustained by the great weight of the evidence in this case.

We will only add that it is always considered commendable for one to attempt to shield the lawless career of a deceased relative and leader from publicity. Men who associate together in their prime as did Lindsay and Bryant in Texas and Mexico in 1865 and 1866, were bound together by a stronger tie than municipal law. They were bound to protect each other even unto death, and if after 40 years Lindsay would not attempt to protect the name of his relative and former leader, he would hardly be worthy of the respect of mankind.

As to the further proposition in regard to his return to the Cherokee Nation within a reasonable time, we call attention

to the opinion of the assistant attorney general, who held that Daniels was required to return to the Cherokee nation in the same time and in the same manner as any other Cherokee citizen, who was absent from the Nation under the same circumstances.

"The term "reasonable time" in a relative one and its meaning depends entirely on the attendant circumstances"; Am. & Eng. Enc. of Law, Vol. 19, p. 1089.

In conclusion we will but call attention of the Commission to the well known vicious system of "share Farming" carried on in the South with the ex-slaves, until the Government and a beter public sentiment put a stop to it many years after the war.

It seems from the evidence that Daniels was a victim of this system which was a sort of "peonage", and that as soon as he was able, he returned to the Cherokee nation.

While it may be a fact that it was not a human impossibility for him to have returned sooner; to have come from San Antonio "about 700 miles from the Cherokee country when no railroads had penetrated those regions or afforded facilities for travel", the evidence is quite clear that he never became a citizen of the United States, and never intended to become such citizen, but used every effort in his power to get away from the land where circumstances over which he had no control had placed him, and where "peonage" and "share Farming" and did take advantage of the first opportunity to come home.

What more than this was required of him?

In the light of the numerous decisions made by the Department and the Commission on this particular question of changing citizenship and in the light of the facts as shown by the record in this case, we respectfully insist that each of these applicants are entitled to be enrolled as Cherokee freedmen.

Respectfully submitted,

Attorneys for Applicants.

In the matter of the application of Burrell Daniels et al., for enrollment as Cherokee Freedmen.

BRIEF AND ARGUMENT FOR APPLICANTS.

The record in this case shows that in his opinion dated May 9,1905, the Assistant Attorney General for the Interior Department Hon. Frank L. Campbell, said relative to Mr. Cherokee's visit of these applicants upon their arrival in San Antonio in 1867:

"While held in peonage, he must be regarded as resident and domiciled in the Cherokee Nation, and his children born there as born in that Nation."***

"His rights and the consequence of his delay in effecting his return, must be determined upon the same principles as the case of a native Cherokee citizen under Section 2 of Article 1 of the Cherokee Constitution, had a native citizen at that time of Daniels' return by the United States to San Antonio, been forcibly taken and set down in San Antonio."****

"His rights should be determined precisely as those of a native Cherokee would be who had at that time removed from the nation and took up his residence in San Antonio."***

" I am therefore of the opinion that their (the Commissioners') decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the party of either Daniels or the Cherokee Nation to introduce further evidence bearing upon the question of his intention to change his domicile prior to his actual return to the Nation."***

"As the Commission did not base their decision upon proper grounds but based it upon a supposed bar in Article IX of the Treaty against the consideration of these facts, requiring him as not domiciled in the Nation on and prior to February 11, 1867 when he should be regarded as domiciled therein".***

These statements of law and fact are unqualifiedly correct. The testimony of Mr. Lindsey, one of Col. Bryant's party of "Insurgent Ba Mitti", a gentleman who is a son-in-law of the bandit leader, Bryant, and who was one of the "brigands" who deported Daniels and sold him into peonage, is introduced to prove that "they never did it"; To prove that Daniels went to Mexico of his own free will, and hired Bryant to take him. This statement in his endeavor to substantiate his assertion that Daniels went to Mexico of his own free will, reminds us of the liberty given a prisioner who is placed in a pit and given the choice of either

pumping or drowning.

When Bryant emancipated his slaves in Fort Stockton, a deserted fortress in a desert country, about two hundred miles from a civilized community, if it be true that he agreed to transport them to Mexico and that they agreed to pay him for such transportation, it is also true that there was no choice given these colored people but to so agree.

This pretended contract was repugnant to the instincts of humanity and the principals of justice. The whole proceeding was inequitable, fraudulent, tyrannical and brutal.

The effort to shield the name of Col. Bryant may be commendable in his son-in-law but it is t o late now. The testimony clearly shows that he was the leader, and spirit, and soul of this party of fugitives from justice which sought Mexico to avoid the Yankees. He knew that when by misprepresentation, threats and force he compelled these colored people to accompany him in his flight to Mexico, that they were free men and women. He knew it when he took them to Mexico and disposed of them there as he did. The evidence shows that he was the companion, associate and friend of cattle thieves, and that he himself was a kidnapper of men, women and defenseless children.

But what has this to do with Daniels in Texas?

When Daniels returned from Mexico in the '70's, he was a citizen of the Cherokee Nation, with his domicile fixed there. Has he since that time expatriated himself or in any manner abjured his Cherokee citizenship?

To have done these things, the above opinion holds that he must have done them in precisely the same way as a Cherokee citizen of Cherokee blood, under Section 2 of Article 1 of the Cherokee Constitution, which is in part as follows:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

In his opinion approved September 10,1894, the Assistant Attorney General for the Department of the Interior, Hon. William

A. Little, said relative to this provision of the Cherokee Constitution:

> "I am therefore of the opinion that a freedman of the Cherokee Nation could only become a citizen of the United States by naturalization, or by putting themselves under the provisions of Act of February 8, 1887, and in the latter event would not be deprived of participating in the funds awarded them by the judgement of the Court of Claims aforesaid."

The United States Circuit Court (1 Dill. C.C.366) holds that to become a citizen of the United States, an Indian must comply with some treaty providing for his naturalization, or with some statute authorizing individuals or special tribes to assume citizenship by due process of law.

There is no evidence that even tends to show that Daniels or any of his children ever complied with any treaty or gener l or special law authorizing them to become citizens of the United States.

In fact the evidence is all to the contrary.

It is established that Daniels was a citizen of the Cherokee Nation when he arrived in San Antonio in the '70's. The fact of citizenship in a country being once established, is presumed in law to exist until the contrary is proven and the burden of proof is upon the party denying its continuance; Hauenstein vs. Lynham 100 U.S. 483.

A man is always regarded as a citizen of his native state until it has been proven that he has established a citizenship elsewhere; Minneapolis Vs. Reum 56 Fed. 576; 12 U.S.App. 464; 6 C.C.A. 31.

Hence proof of foreign birth casts the burden of proving citizenship in the nation where the individual resides; 27 N.Y. 45; 63 N.Y.Suppl. 572; 31 Misc. N.Y.32 ; 4 Rand. (Va.) 583.

The record shows that Daniels' original citizenship was in the Cherokee Nation, where it was conferred upon him in 1866, that being his native state. The record shows that he always considered that Nation his home and that he always intended to return thereto.

The record does not show that he ever became a citizen of any other Nation than that of the Cherokees.

The record shows that the Cherokee Nation did not even attempt to prove that he ever became a citizen of any other government.

The legal presumption is that he did not and that none of his children did. The record shows that he was compelled to leave the [illegible] Supreme Court of the United States holds that the [illegible] of abandonment of citizenship [illegible] is compulsory; 20 Fed. 200.

[illegible] the Dawes Commission [illegible] Cherokee citizen after he returned to the Nation in [illegible].

[illegible] of the return of Daniels within a reasonable time. The [illegible] "reasonable time" is a relative one and depends entirely [illegible] attendant circumstances; Jones v. Ins. Co. of Pa., 19 F. 2d 17.

While it is true that Daniels was physically in Texas for many years after his return to the Nation, the fact of the existence of the [illegible] system of "share farming" carried on in the South with the ex-slaves and the permanent and [illegible] which [illegible] put a stop to it that [illegible] after the [illegible] emancipation of the slaves, since the evidence shows that Daniels was a victim of this system which was a sort of a "peonage" and as soon as he was able he returned to the Cherokee Nation.

It is unnecessary for us to give the views of the Commission to the [illegible] through the record relative to Daniels in Texas. Suffice to say that the attendant circumstances were such that he did not lose his domicile in the Cherokee Nation by being compelled to stay in Texas.

Story tells us that in a strict legal sense, that is properly a domicile of a person where he has his true fixed and permanent home and principal establishment, and to which, whenever absent, he has the intention of returning, animus revertendi.

While Daniels and his family were compelled to remain in Texas by reason of the ex-slave system of "share farming", by which they were deprived of the profits of their labor, and by reason of other well known circumstances over which they had no control, it can not be said that Texas was his true, fixed and permanent home

to which, whenever absent, he intended to return.

[illegible]

[illegible]

[illegible]

of the facts as shown by the record in this case we respectfully insist that Burrell Daniels and his family are entitled to be enrolled as Cherokee freedmen.

Respectfully submitted,

_____

Service of the above brief and argument accepted and the receipt of a copy of the same acknowledged by the Attorney for the Cherokee Nation this the _____ day of June, 1905.

RELL, MASTIN & AND DAVENPORT,

Attorneys for the Cherokee Nation
in making the freedman roll.,

By_____

BEFORE THE DEPARTMENT OF THE INTERIOR,
Washington, D. C.

To the Honorable,

The Secretary of the Interior.

In the matter of the application of Burrell Daniels, et al., for enrollment as Cherokee freedmen, consolidating the applications of,

Burrell Daniels, et al.	Cherokee freedmen	D-	40
Thomas Daniels, et al.,	" "	D-	391
Andrew Daniels, et al.,	" "	D-	395
Burrell H. Daniels, et al.,	" "	D-	390
Lizzie Haynes, et al.,	" "	D-	393
Mack Daniels, et al.,	" "	D-	392
Mary Hill, et al.,	" "	D-	394
Lizzie Shafer, et al.,	" "	D-	396.

-:-

P R O T E S T .

Come now the above named applicants and PROTEST against the decision of the Honorable Commissioner to the Five Civilized Tribes, dated September 25, 1905, denying their said applications; and move the Honorable Secretary of the Interior to rescind said decision, and to enroll said applicants as Cherokee freedmen, for the reasons following, to-wit:

The record in this case, together with the opinion of the Assistant Attorney General for the Interior Department, Honorable Frank L. Campbell, of May 9, 1905, shows that Burrell Daniels and the members of his family born prior to the Civil war, were slaves of a Cherokee citizen at the commencement of the rebellion; that during said rebellion, they were put under the charge of Col. Joel Bryant, and were under his charge in 1865, and that during that year, he deported them from the Indian Territory to Mexico, and there sold them and there sold them under the "Peon" law of that country, and that some years later, probably about 1872, they were permitted to leave Mexico through the efforts of President Grant, and came to Texas, where they were detained under the "share farming" system then in that state, and that later, perhaps about the year of 1884, they were permitted to return to the Cherokee nation, and that later still, they were enrolled by the Secretary of the Interior on the Kern-Clifton roll, and have not since said return, removed from the Cherokee nation with their effects and become citizens of any other government, as is contemplated in Section 2 of Article 1 of the Cherokee constitution.

Notwithstanding all this, the Honorable Commissioner to the Five Civilized Tribes, in his decision of September 25, 1905, is made to say:

"The evidence in this case further shows: That the applicants, Burrell and Miranda Daniels, with their family, voluntarily accompanied Joel M. Bryant and his party from Texas to Mexico during the Spring and Summer of 1865, and remained in Mexico till 1872, when they removed to Texas, and became domiciled citizens of that state, and continuously lived therein till their return to the Indian Territory during the years of 1884 and 1897".

We will not comment on this statement of the Honorable Commissioner further than to say that this Daniels families' abduction into Mexico by Col. Joel Bryant; its sale under the "peon" law of that country by Col. Bryant; its final return to the state of Texas through the efforts of President Grant, and its detention there under the "share farming" system

is too well known to the Department to warrant a discussion of this decision of the Honorable Commissioner, wherein he holds that "Du rell and Viranda Daniels, with their family, voluntarily accompanied Joel M. Bryant and his party from Texas to Mexico".

In his opinion of May 9, 1905, in this case, the Honorable Assistant Attorney General for the Interior Department said:

> "The record, however, shows that at the close of the war of the rebellion Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He was put by his master under control of insurgent military authorities. The war ceased, some of the insurgent organization, or bands, went to Mexico carrying Daniels with them, where he was held in peonage until his return was effected by intervention of the United States.
>
> It does not appear that Daniels' deportation occurred more definitely than it was after Kirby Smith's surrender (May 26, 1865), and before August 20, 1866, as Col. Bryant, in command of the force holding Daniels, had been ordered to turn in his camp equipage, but refused to do so, went south through Texas and Mexico, taking with him the negroes and a herd of cattle".

This is a clear and concise statement of the facts as they now stand, even after the re-trial of June 4, 1906.

Passing to the conclusion reached by the Honorable Commissioner as to the rights to which these applicants are entitled under his Honor's statement of what the facts in this case are, we find the following:

> "granting that those applicants herein born prior to the close of the rebellion, and the said Nancy Newton, nee Daniels, deceased, were, on or prior to February 11, 1867, domiciled citizens of the Cherokee nation, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article 1, of the Cherokee constitution, which is in part as follows:
>
> 'Whenever any citizen shall remove with his effects out of the limits of this nation, and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease;.....' "

It will be noticed that the Honorable Commissioner says "granting" that those applicants born prior to the rebellion were domiciled citizens of the Cherokee nation on or prior to February 11, 1867, they "forfeited" their Cherokee citizenship under the provisions of the Cherokee treaty which provides that all the rights of a Cherokee citizen shall cease whenever he shall -

1, remove out of the limits of the Cherokee nation, &

2, remove with his effects, and

3, become a citizen of any other government.

"GRANTING" - If it be granted that these applicants were "domiciled citizens of the Cherokee nation ** on or prior to February 11, 1867", it must also be granted that the Honorable Assistant Attorney General was correct in his judgement relative to the abduction and sale by Col. Bryant.

It cannot be granted that they were "domiciled citizens of the Cherokee nation ** on or prior to February 11, 1867", if they "voluntarily accompanied Joel M. Bryant and his party from Texas to Mexico in the Spring and summer of 1865;*** and remained there till 1872".

The Departmental opinion holds that it was after May 26, 1865, that they were abducted from Texas to Mexico. The Honorable Commissioner holds that they were not abducted at all, and that they "voluntarily accompanied Joel M. Bryant and his party" during the spring and summer of 1865;

It is quite true that fair minds may differ as to the conclusion to be drawn from certain evidence, but it is equally true that in his case there is no excuse for such a conclusion as promulgated by the Honorable

But even if there were other evidence in support of his decision than that of one of the "brigands" (Mr. Lindsay, Col. Bryants' son-in-law), the Honorable Commissioner was not authorized or warranted to insert in his decision that the Daniles "voluntarily" accompanied "these insurgent bandi/ti" from Texas to Mexico.

In the Departmental letter of May 13, 1905, (D. C. 2459-1905, I. T. D. 9330-1905) the "Commission to the Five Civilized Tribes" is instructed by the Honorable Secretary of the Interior that the Daniles "rights shoul be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio".

We respectfully submit that the Honorable Commissioner did not base his decision upon such grounds as contemplated in this instruction, but based it on the ground that these applicants "VOLUNTARILY accompanied Col. Bryant and his party to Mexico, and we further submit that it is the disposition of this citizenship court, manifested in this decision, that is the cause of the longevity of the tribunal upon which is devolved the duty of making a roll of Cherokee freedmen.

After arriving at the conclusion that the Danielses VOLUNTARILY accompanied Col. Bryant and his party from Texas to Mexico, and did not retrun to the Cherokee nation "till subsequent to the year 1896"the Honorable Commissioner "ADJUDGED" that "they are not entitled to enrollment as Cherokee freedmen". And this notwithstanding the fact that in the Departmental opinion of May 9, 1905, it is expressly stated that "It is cl clear that Daniels' deportation by brigands, and sale into peonage in Mexico, and his detention there, worked no change in his residence and forfeited no rights".

"In legal aspect he was, while in foreign peonage, and actual resident of the Cherokee nation and a citizen thereof under Art. IX of the treaty".

After holding that Daniles and his family were deported by "brigands the Honorable Assistant Attorney general further held that "His rights should be determined precisely as those of a native Cherokee citizen whould be who at that time removed from the Nation and took up his residence at San Antonio".

This case was remanded on these grounds, and it will be observed that the Honorable Commissioner, after holding the Daniels was not a "domiciled Citizen of the Cherokee nation" on or prior to February 11, 1867, decided that even if he was-"granting" that he was - he forfeited his Cherokee rights by going to Mexico voluntarily and not returning "till subsequent to the year 1896".

When we recall the fact that the Honorable Commissioner found that Daniels "VOLUNTARILY"accompanied Joel M. Bryant and his partyto Mexico, and that he did not return "Till subsequest to the year 1896", we can but respectfully submit that it is highly probable that this decision , as well as the former Daniels decision, is not based "upon proper grounds".

In connection with this statement of the Honorabl Commissioner that the Daniels family VOLUNTARILY accompanied Joel M. Bryant from Texas to Mexico, we respectfully call the attention of the Department to the record in this case, including the opinion of the Honorable Assistant Attorney general for the Interior Department, wherein reference is made a number of times to this Col. Bryant, and in no place do we remember of him having been referred to as "Joel M. Bryant". This, however, was perhaps the way in which he signed his name, and it is true that he was a private citizen after the close of the war in which he was "Colonel", but it is customary to refer to ex-colonels as "Col.", and it will be noted that th this custom was followed by the witnesses in this case, and by the Honoral Assistant Attorney Generalin his opinion of May 9, 1905.

Surely this little play on words was not intended by the Honorable Co Commissioner as an attempt to hide from the Department the fact that Col. Joel Bryant, the man with whom Daniels VOLUNTEERED to go to Mexico was, during the Civil war, a n intermarried Cherokee colonel in the rebel army, who after the close of said war ran away to Mexico for fear of being punished by the victors in said war, for his conduct herein.

As stated by the Honorable Assistant Attorney General in his opinion of May 9, 1906, Col. Bryant's party was one of the insurgent bandi ti that infested the country south of the Cherokee nation after the close of the Civil war ,and it is clear that these bandits took Daniels and his family to Mexico and sold them there before they learned that amnesty had been granted to their class (July 29, 1866), and to those familiar with the financial condition of the vanquished confederate army and it allis the reason for the sale of these freedmen by these bandits to the Mexicans is clear.

It was not until July 19, 1868, that amnesty was granted to the class to which Col. Bryant and the witness, Mr. Lindsay, belonged. Their return to the Cherokee nation so so n after h aving learned of this amnest shows that they did not go to Mexico with an intention of becoming citizens of the Mexican government, but were only there in hiding from the United States Government.

It will be noted that the Honorable Commissioner says: "they remained in Mexico till 1870".
"voluntarily accompanied" and "remained". There is no doubt but that they "remained", but - well we will not comment on the ridiculousness of the used on the word "voluntarily" by the Honorable Commissioner.

It is quite evident that the Honorable Commissioner based his VOLUNTary decision in this Daniels case, wholly upon the testimony of the witness Lindsay, (Journe 5, 1906) and considered the testimony given by Daniels, and which was but a repetition of the well known history of the insurgent banditti which infested Texas and the nation after the close of the Civil war, as unworthy of belief.

It will also be noted that Lindsay was one of the bandits who went to Mexico with Col. Bryant for "fear of the Yankees", and that he also came back after amnesty was granted, and that he is also an intermarried Cherokee.

In his testimony, after swearing that Daniels went with Col. Bryant VOLUNTARILY, and that the relation between the Col. and Daniels was AMICABLE - he relation between a bandit and his slave AMICABLE - Hes-- his attention was called to the statement of Daniels relative to a certain herd of cattle in where he not only disputed Daniels but himself as well.

Relative to this herd of cattle the Honorable Assistant Attorney in his opinion above mentioned, said:

"Col. Bryant, in command of the forces holding Daniels, had been ordered to turn in his camp equipage, but refused to do so, went south through Texas and Mexico, taking with him the negroes and a HERD of CATTLE."

In his statement under oath, Mr. Lindsay, after saying that Daniels went to Mexico with Col. Bryant VOLUNTARILY, and that the relation between Daniels and Col. Bryant was AMICABLE, swore that Daniels' statement in regard to a party going back from Col. Bryant's party, brought up a herd of cattle, was not true.

Mr. Lindsay first testified before Daniels and only touched lightly on this subject, but after Daniels made his statement in regard to this part going back and bringing up a herd of about 1800 head of cattle, Mr. W. W. Hastings, attorney for the Cherokee nation recalled Mr. Lindsay for the purpose of further attempting to refute Daniels' statement about the herd of cattle.

It will be observed that Mr. Lindsay at first positively denied that there were other cattle with the Bryant party than a few , perhaps 50, which was heard to be carried along for domestic use. He stated that it is incorrect that a party went back from the Bryant company and did what Daniels swore was done relative to bringing up a herd of cattle.

But upon his recall, and after becoming angry at Col. R. W. Blue, one of the attorneys for applicants, he modified his positive statement that Daniels was wholly incorrect in regard to a herd of cattle other than the few for domestic use, and admitted that a party, naming the same persons named by Daniels, did go back and brought up a herd, as stated by Daniels and as formally denied by Mr. Lindsay. - Did go back and bring up the same herd that Mr. Lindsay was recalled to swear did not exist.

On this recall, Mr. Lindsay swore that the party mentioned by Daniels did go back and bring up a herd of cattle, but he was positive that there were not over 200 head in the herd.

Here it will be noticed that Mr. Lindsay finally agreed with Daniels that there was such a herd of cattle as mentioned by him, and denied by Lindsay on his examination, when not angry, and it will also be noted the Mr. Lindsay and Daniels finally only disagree as to the number of the herd.

It has been 40 years since this herd of cattle was brought up to the Bryant party by some of the brigands who constituted that body of insurgent bandits, and we respectfully submit that one of the bandits who attempted to deny the existence of this herd, depending upon the well known fact the the Honorable Commissioner considered the testimony of Daniels "incompetent", and considered him both as worthy of respect- we submit that such a man who attempted to deny the existence of this herd at all, and who could only remember of there being about 200 head in the herd that he has sworn did not exist at all, ought not to be considered of such character as to be worthy of sufficient credit to overthrow, and change the heretofore undisputed history of the matter which he tried to deny, and in the same statement acknowledged to exist in larger numbers than stated by Daniels.

We respectfully submit that a close study of the record as it ought to be, will at least raise a doubt as to the amount of credit that might be given to the testimony of a man who was a member of Col. Bryan's party of insurgent bandits, and who was a son-in-law of the bandit himself, and the more that Daniels accompanied Col. Bryant from Texas to Mexico VOLUNTARILY, and that the relation between the two was AMICABLE, and who swore positively, when not angry, that there was no herd of cattle brought to the Bryant party by members of the party and who on recall and after getting angry, admitted that there was such a herd as mentioned by Daniels, but not as many in the herd as he claimed.

In the proportion of (0) to (200) on one recall, there is no telling how many cattle Mr. Lindsay could have remembered if he had been recalled a few more times.

After quoting the provision of the Cherokee constitution governing the forfeiture of Cherokee citizenship rights, the Honorable Commissioner abruptly denied the application of the Daniels, after saying that the VOLUNTARILY accompanied Joel M. Bryant, etc.

In our brief filed with the Honorable Commissioner on about June 15, 1905, we attempt to discuss this constitutional provision, and to this brief (which is not dealt with the rest of the record) we beg to refer, as well as to the opinion of the Honorable Assistant Attorney General for the Interior Department, May 9, 1905.

We further respectfully submit that in as much as the Honorable Commissioner denied that the Daniels family VOLUNTARILY accompanied Joel M. Bryant and his party (Col. Joel Bryant's band of insurgent bandits), Opinion of Assistant Attorney General, May 9, 1905), and thus rendered this decision in the very teeth of what the Honorable Assistant Attorney General for the Interior Department said relative to this matter, and what the record clearly shows, it is not worth our while to further discuss this "decision" of the Honorable Commissioner, and that it is highly probable that this decision, as was those of January 18, 1904, is based upon improper grounds, and

We conclude by praying the Honorable Secretary of the Interior to reverse this decision of the Honorable Commissioner to the Five Civilized Tribes, and to enroll these applicants as Cherokee freedmen.

Respectfully submitted,

Attorneys for Applicants.

COPY.

Cherokee Freedmen
R-40.

Muskogee, Indian Territory, January 19, 1904.

Burrell Daniels,

Talala, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself, your wife, Meranda Daniels, and your minor child, Robert Daniels, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Enc. D-74.
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

Edgar Smith,

Attorney for Burrell Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda and Ruth Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adrian Hill, Lizzie and Arlena Shafer as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Rec. D-79.
Register.

Commissioner in Charge.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-40 et al.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Burrell Daniels et al., rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Susie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, and Lizzie and Arlena Shafer as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-80

Commissioner in Charge.

Cherokee Freedmen
D-69 et al.

Muskogee, Indian Territory, January 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Burrell Daniels et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Burrell, Meranda, Robert, Andrew, Willie, Lewis, Lucie, Thomas, Burley, Essie, Minnie, Miranda, Ruth, Burrell H., Mack, Mady, Thomas, Mary, Louella and Julia Daniels, Lizzie, Edward and Amos Haynes, Mary, Alice and Adran Hill, Lizzie and Arlena Shafer as Cherokee freedmen.

Respectfully,

T. B. Needles.

Enc. D-81

Through the

Commissioner in Charge.

Commissioner of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 16, 1904.

Refer in reply to the following:
Land.
5520-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, transmitting the record of the application for enrollment as Cherokee Freedmen of Burrell Daniels for himself and his wife Miranda Daniels and minor child, Robert Daniels; by Andrew Daniels for himself and minor children Willie, Lewis, Susie, Thomas, Burley, Rosie, Minnie, Miranda and Ruth Daniels; by Lizzie Shafer for herself and minor child Arlene Shafer; by Mary Hill for herself and minor children, Alice and Adran Hill; by Lizzie Hayne for herself and minor children, Edward and Anna Hayne; by Mack Daniels for himself and minor child, Mady Daniels; by Thomas Daniels for himself and minor children, Mary, Lewella, and Julia Daniels, and by Burrell H. Daniels for himself.

January 26, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Burrell Daniels, and Miranda, his wife and his minor child, Thomas Daniels

were the slaves of a Cherokee citizen at the commencement of the war of the rebellion; that during the war they were taken out of the Cherokee Nation; that after the war they were kidnapped by one Col. Bryant and carried into Mexico and sold into peonage; that in 1871 they were released from servitude and arrived in San Antonio, Texas, during that year; that they did not return to the Cherokee Nation until the year 1884. The other claimants have no rights except as derived from Burrell, Miranda or Thomas Daniels.

Under date of January 16, 1897, this office submitted for consideration and approval the Kern-Clifton roll of Cherokee freedmen. With reference to Burrell Daniels the office said:

"Commissioners Clifton and Kern join in especially requesting the Department to place upon the roll the name of Burrell Daniels, No. 4601 , and his family. These Commissioners state as follows:

"It was not in the power of the Commission to do this because the evidence shows that he did not return until 1870 or later, but the evidence also shows that at the conclusion of the war he was sold by his owner, a Cherokee, into slavery into Mexico, and kept there for five years, until by the interference of this government, he was taken from Mexican slavery and at once returned to the Cherokee Nation. He and his family are estimable citizens, and these two Commissioners believe that the Cherokee Nation, whilst not willing to recommend his enrollment, yet would not be adverse to having him enrolled."

The same question was raised in this case before Commissioner Wallace, and the facts as stated by these Commissioners and as stated by Mr. Daniels himself in his testimony, submitted by them, are corroborative, of the testimony as given before Commissioner Wallace, and upon which, he was enrolled by the Department. While under a literal interpretation of the language of the treaty he might be entitled to enrollment, it was certainly not the spirit of the treaty to exclude persons of this class."

By letter of January 16, 1897, (Ind. Div. 3075-1896), the Department approved the enrollment of Burrell Daniels.

It does not appear necessary to pass upon the question of the duress of the claimants, Burrell, Miranda and Thomas Daniels, during the period allotted for the return of freedmen to the Cherokee Nation, ending February 11, 1867, for the reason that they do not appear to have made proper effort to return to the Cherokee Nation and claim their rights. On the contrary it is shown that it took them thirteen years from the time of their release from peonage to get to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tedmer,

Acting Commissioner

MGM

6

W. C. P.
J. P.
FEB.

DEPARTMENT OF THE INTERIOR,

D. C. 21705-1904.

WASHINGTON, June 24, 1904.

I. T. D. 5040-1904.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1904, you transmitted the record in the consolidated case embracing the applications of Burrell Daniels et al (M. R-40 et al), for enrollment as Cherokee freedmen, including your decision of January 18, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

[redacted]
[redacted]

[redacted], Dublin Territory, June 6th, 1868.

[redacted],
Attorney for the Crumlin police,
[redacted], Dublin Territory.

Dear Sir,

We are hereby advised that the Commission's decision, dated January 7th, 1868, rejecting the applications for the enrollment of Patrick [redacted], Michael [redacted], Philip [redacted], Philip [redacted], Patrick [redacted], Michael [redacted], Thomas [redacted], Patrick [redacted], Michael [redacted], Thomas [redacted], Patrick [redacted], Michael [redacted], Thomas

Charles Freeman
5 Mi. of Sk.

Muskogee, Indian territory, June 30, 1904.

Major Reid,

Interior for Kinds county, S. Dak.

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's ruling dated January 16, 1904, rejecting, among others, the applications for the enrollment of Linnie, Jennet and Jack Bigmeat, Mary, Alice and Myrtle Hill, Linnie and Arizona Beaver, and Andrew, Willie, Louie, Susie, Thomas, Burley, Louie, Stanley Girtman, Ruth, Burrell, Herman and Robert Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 28, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 40

Muskogee, Indian Territory, June 30, 1904.

Burrell Daniels,

[illegible], Indian territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself, your wife, Miranda Daniels, and your son, Robert Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 40, et al.

Muskogee, Indian Territory, July 9, 1904.

William H. Greene,

Attorney for Burrell Daniels, et al.,

Muskogee, Indian Territory.

Dear Sir:

In accordance with your request there is herewith inclosed to you a copy of the testimony in the consolidated case of Burrell Daniels, et al., Cherokee Freedmen Nos. R 40 and R 399 to R 504, inclusive, together with a copy of the Commission's decision rejecting the applicants, and a copy of the Department's letter of June 24, 1904, affirming the Commission's decision.

Respectfully,

Encl. V-10

Commissioner in Charge.

COPY.

J. R. W.
W. C. P.
S. V. P.

I. T. D.
1706-1906
9407, 10081-
1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
WASHINGTON, May 9, 1905.

The Secretary of the Interior.

Sir:

I received by reference of February 10, 1905, for opinion thereon, the motion of counsel for the Cherokee freedmen for reconsideration of departmental decision of March 22, 1904, approving my opinion of that date, and by reference of February 18, 1905, for consideration in connection therewith, the record in the consolidated case of Burrell Daniels and others (twenty-eight persons) for enrollment as Cherokee freedmen. The latter case is before the Department upon a motion of counsel for the applicants for review of the decision of the Commission to the Five Civilized Tribes adverse to the applicants.

My opinion of March 22, 1904, was rendered upon departmental reference of a request by the Commission to the Five Civilized Tribes for construction of the freedmen enfranchisement clause of Article IX of the treaty of July 19, 1866 (14 Stat., 799, 801):

That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six

months, and their descendants, shall have all the rights of native Cherokees: Provided, ...

The opinion referred to, so far as here in question, summarized, was that: (1) The six months period (from ratification of the treaty August 11, 1867,) is not a limitation, but a condition to the right granted, affecting all, competent or incompetent, and that return within the period therein fixed is an essential part of the facts out of which the right granted arises; (2) That "residents" had reference to the place of the freedman's legal domicile, and not to that of his then accidental, actual, physical presence or temporary place of abode.

The contention of counsel for the freedmen in the present motion is, that the provision, "and are now residents therein, or who may return within six months," has reference only to"free colored persons who were in the country at the commencement of the rebellion," and has no reference to the former slaves described as freedmen liberated by their owners or by law. This contention is based upon an analysis of the grammatical structure and punctuation of the provision, which I have carefully considered, but deem unnecessary here at any great length to discuss. Grammatical structure and punctuation are both proper aids to construction, but neither nor both combined exclude other inquiry into the legislative intent which must

always control, when satisfactorily ascertained, though both grammatical structure and rules for punctuation be disregarded. By this, however, I am not to be understood as conceding the contention that either the grammatical structure or the punctuation indicates that the six months period had reference to the "free colored persons" only, or did not refer to the liberated former slaves. As to structure of the sentence, it appears to me that the words "as well as" are strongly conjunctive, not disjunctive. The phrase "as well as" is defined in the Century Dictionary and Webster's International Dictionary, at the word "as", as meaning "just as much, equally (with), in addition (to), besides, no less (than)." All these definitions or equivalents of "as well as" indicate the idea of equality of merit and of benefit, rather than an intent to give more privilege to or to impose less burdensome obligation or condition upon the first class than upon the second. The circumstances of the time were that the former slaves had late been mere things, chattels, not men, and their claim to recognition and just treatment as members of the organized society could hardly have won higher recognition that that given other persons of the same race who had attained to free manhood years before, or even higher that that given the free-born full-blood Cherokee. A construction that would lead to such result is, in light of the circumstances of the time, not

only irrational, but almost unthinkable, and is clearly erroneous.

As to punctuation, had the intention been to confine the operation of the six months return period to the second or freed colored person class alone, no punctuation to break the flow of connected thought was necessary or appropriate from its initiation with the words "as well as" until the words "six months", when, on this theory, the thought culminated, was fully expressed, and a natural pause was reached. In fact the punctuation is against the theory sought to be based upon it.

The Cherokee Nation at that time had a constitutional provision (Sec. 2, Art. 1) against their own full-blood citizens, that:

> Whenever any citizen shall remove with his effects out of the limits of this nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease.

This provision operated instantly upon the native Cherokee, whenever and as soon as he removed his person and effects from the nation and identified himself with a community alien to it. Had the treaty benefit been limited only to such freedmen, or former slaves as were then in and identified with the nation, the provision would have been as liberal to the freedmen as was the Cherokee constitution toward its own full blood citizens. In giving a six months period for their return

the treaty was more liberal to the freedmen than was the constitutional provision to the native-born. This no doubt was due to the conditions of the time at close of a period of war when social disorder caused many to remove to safer localities. The proper period to be allowed because of such conditions was one to be determined by the treaty parties, but consideration of the circumstances of the time and the provision of the constitution of the Cherokee Nation show that it could not have been intended to give freedmen an unlimited time to return and thus to extend a privilege as to absence far above that of full blood native citizens.

For these reasons, as well as those advanced in my former opinion, I am of opinion that the six months period in Article IX, of the treaty, supra, applies equally to former slaves and to former free persons of color, and adhere to the opinion formerly expressed.

Passing now to the case of Burrell Daniels and others, I desire to call attention to the opinion of March 22, 1904, that "residents" in the treaty has reference to the place of legal domicile, not that of actual accidental presence, and also to my opinion of April 16, 1904 (in I. T. D. 8308-1903, 799 and 1240-1904), in case of Charles Foreman, in the final paragraph of which it was noticed that "one under actual restraint, whether

legal or not, can not freely choose his own place of abode, or his domicile", meaning thereby his place of usual actual physical presence and place of living. At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat., 801) the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands went to Mexico, carrying Daniels with them and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States.

It does not appear when Daniels' deportation occured more definitely than that it was after Kirby Smith's surrender (May 26, 1865), and before August 20, 1866, as Colonel Bryant, in command of the force holding Daniels, had been ordered to turn in his camp equipage, but refused to do so, went south through Texas into Mexico, taking with him the negroes and a herd of cattle. By August 20, 1866, the banditti which infested Texas

after the surrender of the organized armies had been suppressed, dispersed, or expelled, and the termination of the period of war was proclaimed (14 Stat., 814). Colonel Bryant's party was one of these insurgent banditti, and Daniel's removal, deportation into peonage in Mexico, was evidently after the fall of the organized confederate government and surrender of its armies, and was without any semblance of authority of an organized government, but was a mere act of brigandage. It is clear that Daniel's deportation by brigands and sale into peonage in Mexico and his detention there worked no change in his residence and forfeited no rights. While held in peonage he must be regarded as resident and domicile in the Cherokee Nation, and his children born there as born in the nation.

The United States interferred in his behalf, effected his release from peonage, and returned him to the United States after about six or seven years of foreign servitude. He was not returned, however, to his home in the nation, but was left in San Antonia, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated those regions or afforded facility for travel. His rights and the consequences of his delay in effecting his actual return from San Antonio to the Cherokee Nation must be determined upon the same principles as the case of a native Cherokee citizen under section 2, Article 1, of the Cherokee Constitution, had a native citizen, at the time

of Daniel's return by the United States to San Antonio, been forcibly taken and set down at San Antonio.

To that time Daniels had been able to do nothing and had done nothing to change his legal domicile from the nation. He had been forcibly and torticously deported by brigands and sold into servitude. No rights could be lost thereby in legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the treaty. If upon being freed from physical restraint he returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation. If, on the other hand, he pursued such course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

As to what the fact was in this respect I do not regard it proper for me, in the first instance, to find from the evidence in the record, thus forestalling the Commission to the Five Civilised Tribes and the proper reviewing officers whose province it is to adjudge the facts. As the commission did not base their decision upon proper grounds, but based it upon a

supposed bar in Article IX of the treaty against their consideration of these facts, regarding him as not domiciled in the nation on or prior to August 11, 1867, whereas he should be regarded as so domiciled therein, I am of opinion their decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels of the nation to introduce further evidence bearing upon the question of intention to change his domicile prior to his actual return to the nation.

Very respectfully,

(Signed) Frank L. Campbell,

Assistant Attorney-General.

Approved, May 9, 1905:

(Signed) E. A. Hitchcock,
Secretary.

J. W. M.
PMR.

DEPARTMENT OF THE INTERIOR,

D. C. 24589-1905.
I.T.D. 5330-1905.

WASHINGTON. May 13, 1905.

Direct.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On June 24, 1904, following the recommendation of the Indian Office of June 17, 1904, the Department affirmed your decision of January 18, 1904, refusing to enroll, as Cherokee Freedmen, the applicants in the case of Burrell Daniels, et al. (F. R. 40).

A motion for review was filed on behalf of the applicants in this case and submitted to the Assistant Attorney General for this Department for opinion. In an opinion rendered and approved May 9, 1905, the Assistant Attorney General held that if the principal applicant, after being freed from physical restraint, returned to his home in the nation within such time as was reasonably necessary considering his means and circumstances and the facilities for travel, he should be regarded as never having been absent from the nation; further, that if on the other hand, he pursued such course as showed an intent to choose a domicil and abide elsewhere, his rights should be determined

precisely as those of a native Cherokee citizen would be who at that time removed from the nation and took up his residence at San Antonio.

The opinion was also expressed that as your Commission did not base its decision upon proper grounds, but based it upon a supposed bar in Article IX of the treaty of 1866, regarding the applicant as not domiciled in the nation on or prior to August 11, 1867, whereas he should have been regarded as so domiciled therein, your decision should be vacated and the case readjudicated under the removal or expatriation provision of the Cherokee Constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation.

In accordance with this opinion, a copy of which is inclosed, the decision of the Department in the case is hereby rescinded; the record and the papers are returned herewith and you are requested to institute a rehearing in the matter.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

13 inclosures.

COPY.

Cherokee Freedmen

R-40.

Muskogee, Indian Territory, May 31, 1905.

Burrell Daniels,

Talala, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al. as Cherokee freedmen, you are advised that the Commission is in receipt of departmental letter of May 13, 1905, remanding this case for further hearing and readjudication.

You are, therefore, hereby directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, and introduce such testimony as you may desire in support of your said application. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

Respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

Register.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-40, et al.

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Burrell Daniels, et al. as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1905, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1905, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

Incl. S-2.

Commissioner in Charge.

COPY.

Cherokee Freedmen

R-40, et al.

Muskogee, Indian Territory, May 31, 1906.

Blue & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Burrell Daniels, et al. as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 13, 1906, remanding this case for further hearing and readjudication.

The applicants have, therefore, this day been directed to appear before the Commission at its Offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, June 8, 1906, and introduce such testimony as they may desire in support of their said applications. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

Incl. R-1.
Register

COPY.

Cherokee Freedmen
R-40.

Muskogee, Indian Territory, June 23, 1905.

Blue & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of June 19, 1905, inclosing brief and argument on behalf of the applicants in the matter of the application for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. Same has been filed with and made a part of the record in this case.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Muskogee, Indian Territory, SEP 25 1905

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of May 13, 1905, (I. T. D. 5330-1905), remanding the record, including the decision of the Commission to the Five Civilized Tribes of January 18, 1904, in the matter of the applications of Burrell Daniels, et al., for enrollment as Cherokee Freedmen, for rehearing and readjudication, in accordance with the opinion of the Assistant Attorney-General, rendered on May 9, 1905, wherein it is held that the Commission erred in adjudicating the rights to enrollment as Cherokee Freedmen of the said Burrell Daniels, et al., under the theory that their rights were barred under Article IX of the Treaty of 1866, and that said applicants' rights to enrollment as Cherokee Freedmen should have been adjudicated under the provisions of Section 2, Article I, of the Cherokee constitution, which, in part, provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;..."

In accordance with said instructions, these applications were set down for re-hearing before the Commission on June 8, 1905, and due notice of said re-hearing was sent to all parties in interest.

On the date set for re-hearing, all parties applicant appeared either in person or by attorney, the Cherokee Nation appeared by attorney, and a re-hearing was had therein and the applications again taken under advisement by the Commission.

There is herewith transmitted the record in said cause, together with my opinion of this date, for further consideration by the Department.

In transmitting this record, I desire to submit my views on the questions of law and fact arising in the adjudication of said applications more fully than they are set forth in the judgment in this cause.

Secretary--5.

The following statement of facts is fully supported by the evidence in this case:

That Burrell, Miranda and Tom Daniels, principal applicants, and Nancy Newton, nee Daniels, deceased, through whom all the other applicants herein claim the right to enrollment as Cherokee freedmen, were, at the commencement of the Rebellion, the slaves of Cherokee citizens; that some time during the summer or fall of 1862, said Burrell, Miranda and Tom Daniels, and Nancy Newton, nee Daniels, deceased, were removed from the Cherokee Nation by one Joel M. Bryant, and, after the close of the rebellion were taken by the said Joel M. Bryant to Mexico, where they remained until some time during the early '70's, when they removed to San Antonio, Texas, and a number of years later removed from Texas to the Indian Territory.

The principal applicants herein allege that they were forced by Joel M. Bryant (after the rebellion) to make the trip to Mexico; that after arriving in Mexico, they were sold into peonage, and compelled to remain in that country six or seven years; that upon their release from

passage in Mexico they removed to Texas, where, by reason of the condition of their finances, they were forced to remain a number of years, in order to earn money enough to pay their way to the Cherokee Nation, and that, since the close of the rebellion, it was ever their intention to return to said Nation as soon as circumstances would permit. These allegations are denied by the Cherokee nation.

Under this showing attorneys for applicants contend that said applicants have complied with the provisions of Article IX of the Treaty of 1866, which, in part, provides:

> "That all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

Numerous letters and briefs have been filed in this case by the attorneys for applicants, in support of, among others, their contention above indicated. This office refers and calls particular attention to certain parts of said letters and briefs material to the question

now under discussion. In this connection is cited the frequent use, by attorneys for applicants, of the term "poor ignorant people" as designating claimants generally for freedman citizenship in the Cherokee Nation. Aside from the fact that ignorance does not excuse them from compliance with the law, this office advisedly says that the term is a misnomer, and, after several years experience with this class of applicants, it is convinced that they are as fully capable of protecting their own interests as are the Indian citizens of the Cherokee Nation. And the applicants in this case are anything but exceptions to their class.

Several reasons are advanced by their attorneys why said principal applicants should not be required to show that they returned to the Cherokee Nation, after the rebellion, within the time stipulated in said Article XX of the treaty of 1866, as interpreted in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation, et al., but, except the one below discussed, all have been disposed of by the Assistant Attorney-General, in his opinion above referred to.

After asserting that "A slave can have no domicile, inasmuch as he cannot possess one of the requisites, namely, intention", that "A slave had no political rights; 92 U. S. 27", and that "Domicile is a political right", they argue as follows:

> "In the United States a slave was capable of committing crime, of receiving his freedom; of being the subject of homicide, and of modifying, by his volition, very materially, the rules applicable to other species of property. While, under the civil law, slaves were classed among things, and as such, a slave was not considered capable of violating the criminal or civil laws of the country, any more than other domestic animals.
>
> "The modifications placed upon the old civil law theory, were the results, largely, of statutory enactments, since genuine slavery was not known under the original common law. The villiens of the early English times were but feudal tenants of the lowest grade, and were but manumsmts of Danish tyranny."

From this line of argument they draw the conclusion that:

> "On account of the above named conditions, a slave, emancipated in the United States, acquired the domicile of his owner by operation of law, in the same manner that an infant acquired the domicile of its ancestor, by inheritance." Brief filed with the Department, December 12, 1904.

And again, "When by act of the National Council in February, 1863, the shackles fell from all Cherokee

slaves, this petitioner became a freedman, and acquired a right of domicile in some place. From the very nature of the circumstances he must have become vested with the same domicile as his master." Paragraph 1, page 20, Brief filed with the Department, May 6, 1905.

This office is free to admit its inability to follow the reasoning of the attorneys for the applicants, in the extracts from their briefs above set out, but the conclusion reached it can fully understand, and as they cite no authority to sustain their position, it is considered that their conclusion is subject to serious doubt, if not complete rebuttal.

Following the reasoning of attorneys for applicants in this case, the Assistant Attorney-General says:

"At the time of emancipation of the slaves by the Cherokee Nation, February, 1863, referred to by Article IX of the treaty (14 Stat. 801), the slave became a free man, and the right of choice of domicile arose to him. Under undisturbed conditions the presumption would arise of his domicile at his place of actual residence. The record, however, shows that at the close of the war of the rebellion, Daniels was, with some others, in actual servitude. Conditions were not undisturbed. He had been put by his master, under control of insurgent military authority. When the war ceased some of these insurgent organizations or bands, went to Mexico, carrying Daniels with them, and sold him to Mexicans, where he was held in peonage until his return was effected by intervention of the United States." Page 6, Asst. Atty-Gen'l's Opinion.

"To that time Daniels had been able to do nothing,

Secretary-8,

and had done nothing, to change his legal domicile from the Nation. He had been forcibly and tortiously deported by brigands, and sold into servitude. No rights could be lost thereby. In legal aspect he was while in foreign peonage an actual resident of the Cherokee Nation and citizen thereof under Article IX of the Treaty. If upon being freed from physical restraint he returned to his home in the Nation within such time as was reasonably necessary, considering his means and circumstances, and the facilities for travel, he should be regarded as never having been absent from the Nation. If, on the other hand, he pursued such a course as showed an intent to choose a domicile and abide there, his rights should be determined precisely as those of a native Cherokee citizen would be who at that time removed from the Nation and took up his residence at San Antonio." Page 8, Asst. Atty-Genl's. Opinion.

It is well settled that prior to the rebellion an African, whether slave or free, had no civil, social, or political rights or capacities whatsoever, except those conferred by statute." And, "every attempt to extend to a slave positive rights was an attempt to reconcile inherent contradictions, for, in the very nature of the case, he was subject to despotism. Law, as to him, was only a contract between his rulers;" Bryan V Watson, 20 Ga. 480; ex parte Boyleston, 2 Strob. (S. Car.) 41; Reeve V State, 22 Ala. 53; Oliver V State, 39 Miss. 527; Jacobs V State, 3 Humph. (Tenn.) 493;

Macon v State, 4 Humph. (Tenn.) 421. "He was mere property, and in the United States the right of property in a slave was recognized not only in the Constitution, but by every Department of the government, from its foundation to the commencement of the rebellion. The institution was regarded as beyond all cavil entitled to the benefits of all the provisions and guarantees for the protection of any other property". Prigg v Com. 16 Pt.(U.S.) 539; Dred Scott v Sanford, 19 Howard (U.S.) 393; Neal v Farmer, 9 Ga. 555; Medina's Will 4 Dana, (Ky.) 476; Corbin v Marah 2 Dev. (Ky.) 193; Thornton v DeMoss 8 Smed.& M. (Miss.) 609; Mendelite v Thurman, 22 Grat. (Va.) 466, 12 Am. Rep. 526.

In view of the foregoing it is quite apparent that any civil, social or political rights African slaves enjoyed in this country prior to the rebellion must have been conferred upon them by statute, and in the absence of any showing that by statutory enactment slaves were granted the right to acquire a domicile by inheritance , or otherwise, or that said domicile was to be that of their masters, it is not unreasonable to presume that such right did not exist, and

that to ascertain the domicile of a slave since freed the same rules of law are applicable as are applicable to any other free person.

Accepting, for the sake of argument, February 18, 1863, as the date upon which Burrell and Miranda Daniels obtained their freedom (which, however, is error, as at that time said principal applicants were without the jurisdiction of the Cherokee Nation, and, under the law and as a matter of fact, were not free prior to the close of the war), it is considered that any political rights now possessed by them must have been conferred upon them on or subsequent to said date, and as the right of domicile is a political right, their domicile at any time since being freed should be determined in accordance with the law applicable to persons sui juris.

In connection with the foregoing attention is respectfully called to the following authorities, which clearly define the requirements necessary for an adult to establish a legal domicile:

"To acquire a domicile two things must concur: (1) A residence; (2) An intention to make it the home of the party." Hart V Lindsey, (17 N. H. 235), 43 Am. Dec. 597;

"Residence and intention to remain must both concur in order to establish domicile". Gilman v Gilman (52 Me. 165), 83 Am. Dec. 502; Cavillier v Richard (13 La. 293), 33 Am. Dec. 563.

"To acquire domicile there must be a residence in a place and an intention to make it ones home". Viles v City of Waltham (167 Mass. 342), 34 N. State reports 311.

"Domicile can only be acquired by the fact of bodily presence, coupled with the requisite animus". Jacobs Law of Domicile, Sec 93, page 150

"A new domicile is not acquired by mere intention to so acquire it, without the fact of an actual removal, nor is it acquired by a removal without the intention". Ringgold v Barley (5 Md. 186), 59 Am. Dec. 107.

"Intention to reside must relate to the future, and not to the past, where it, combined with residence, is relied upon to establish a domicile". Gilman v Gilman, supra.

Numerous authorities to the same effect could be collected, but it is considered that the foregoing citations are sufficient to show that two things must concur in order to establish a legal domicile: (1) Bodily presence; and, (2) An intention to make it the home of the party. If either

requisite be lacking, or they are not coincident, no domicile is established.

Applying the law of domicile to the facts established by the evidence in the case now under consideration, it will be found that prior to 1884, if then, one or the other of these elements necessary to establish their domicile in the Cherokee Nation, was ever lacking on the part of the applicants. Prior to February 19, 1883, when the principal applicants were bodily present in the Cherokee Nation, they had not the legal capacity to possess one of the requisites, namely, intention, and in so far as this office is able to discover after a somewhat exhaustive research, there is no law, custom or judicial decision to the effect that this intention could have been supplied or exercised by any one for them.

Subsequent to said last above mentioned date, and prior to 1884, while they may have possessed, during all this time, the legal capacity to choose a domicile, the fact remains that they were not bodily present in the Cherokee Nation during said interval; consequently, said applicants

did not, and as a matter of law could not, establish a domicile in said Nation until they were not only bodily present, but legally capable of intending to make that Nation their home, which requisites, as the evidence shows, did not concur prior to the year 1884. Hence, under the law, they did not comply with the provisions of Article IX of the Treaty of 1866, relative to establishing a residence in the Cherokee Nation.

On May 22, 1906, the Assistant Attorney-General, in reply to certain questions submitted to him by the Attorneys for the Cherokee Nation, held that:

> "The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given or created by the treaty. It is not in the nature of a condition precedent but essentially part of the facts out of which the right given arises. There is no right independent of the condition imposed. Such limitation affects all alike, competent or incompetent.
>
> "Residence is a word of varied meaning, incapable of accurate definition without reference to the context in which it appears. It is used with equal propriety in the sense of legal domicile, and in that of a temporary place of abode. The context shows that the object of the provision [Article IX treaty of 1866], was to give the status of citizenship in the Cherokee Nation to classes of persons who before did not have it, many of whom had lately been mere chattels. Its purpose

was to raise persons of inferior or no civil status to that of dignity and of legal equality with the body of citizens.

"I am of opinion that physical return of the person within the time prescribed by the treaty was not necessary in those cases where a domicile theretofore held in the Cherokee Nation had not been abandoned or lost, and that the person might be excused from return by inability or like reasons as prevent loss of domicile by one not actually resident at the place of legal domicile".

This ruling was followed by the Commission in numerous decisions since rendered, and it was ever its understanding that it was incumbent upon freedmen claimants to show that during the interval between the time of obtaining their freedom and February 11, 1867, they, or the ancestor through whom they claim their right , had established a legal domicile in the Cherokee Nation. The question of facilities for travel, financial conditions, distance applicant was removed from the Cherokee Nation, size of his family, and a great many other hindering causes that applicants may now plead, if the new ruling in this case is permitted to stand, were never gone into, but applicant's rights have ever been determined upon, among others, the clear-cut proposition--Were you or those through whom you claim the right to enrollment as a Cherokee freedman, actually present in

the Cherokee Nation with the intention of establishing a residence therein, during the interval between the date of being freed and February 11, 1867? And it is but fair to the Cherokee Nation that this should be the extent of the inquiry along this line.

The Cherokee Nation is not responsible for the existence of conditions that prevented the freedmen from complying with the treaty stipulations of 1866; and, further, if freedmen claimants are permitted to plead the many reasons suggested by the new ruling in this case, as excuses for their non-compliance with said treaty stipulations, the Nation is at the mercy of the freedman applicant, for not only are the majority of these reasons matters peculiarly within the knowledge of the applicant, but, if alleged, as undoubtedly they will be, are at this late date incapable of being rebutted.

Furthermore, this ruling, in effect, removes from Article IX of the Treaty of 1866, the time limit within which freedmen were required to establish their residence in the Cherokee Nation. If the said Act of February 16, 1883, ipso facto, made absent freedmen domiciled citizens of

Secretary-[illegible],

the Cherokee Nation, what object can there be for investigating the question as to when freedmen applicants or their ancestors returned to the Cherokee Nation and established their residence therein after the rebellion, when the only advantage to be obtained by complying with this provision was to secure a political right which, under the ruling in this case was already theirs?

Under this ruling the only question for investigation and determination would be: Has there been a forfeiture of the rights absolutely conferred by the treaty of 1866, upon those who were the slaves of Cherokee citizens, or free colored persons residing in the Cherokee country at the commencement of the rebellion, and their descendants?

It is for these reasons;

(1) The ruling of the Department is not in accordance with the law; and,

(2) To follow said ruling to its logical conclusion will necessitate the reopening of numerous cases heretofore passed upon by the Commission to the Five Civilized Tribes and the Department and the adoption of an entirely new construction of the law applicable to Cherokee Freedman cases;

that this office respectfully requests that the ruling in this case be reconsidered and the former decisions of the Department in this class of cases be adhered to.

It is however, considered by this office that even though Burrell and Miranda Daniels and family were domiciled citizens of the Cherokee Nation on or prior to February 11, 1867, they subsequently forfeited their Cherokee citizenship, under the provisions of Section II, Article I, of the Cherokee Constitution, and in this connection attention is called to the following points in this case.

The evidence in this case does not show that Joel M. Bryant refused to turn in his equipage at the close of the rebellion; or that he was at the head of an "insurgent band" or that he or any one of his company, ever stole a bovine in their lives; neither does the evidence show that either or any of them compelled any red, white or black man, woman or child, to accompany them to Mexico, in 1865, or at any other time. All such allegations are based upon the unsupported and uncorroborated testimony of Burrell Daniels.

In re testimony of Burrell Daniels: This applicant seems to have had a wonderful knowledge of his former

master's business- at a time too, when he would have it believed that his ex-master was engaged in a transaction that required secrecy. He is perfectly familiar with the motive that prompted Joel Bryant to go to Mexico, and testifies positively that Col. Bryant sent certain members of his party, giving their names, from West Texas to East Texas to steal cattle; and that after a short absence they returned with 1500 head, which they took across into Mexico. He further testifies that he never could read or write, but that he, with others, was compelled at the point of a gun, to enter into a contract whereby they agreed to pay Col. Bryant for their transportation from Texas to Mexico. All of which is denied, and the contrary alleged by two witnesses for the Cherokee Nation, who were members of Col. Bryant's party from Texas to Mexico in 1865.

Attention is further called to the testimony of Burrell Daniels relative to his return from Mexico to Texas. On his first appearance before the Commission he testified that he and his family were released from peonage in Mexico through the intervention of President Grant, and that they

were brought from Chihuahua to the Rio Grande by soldiers sent into Mexico to effect their release; that the soldiers paid him $20.00 for services rendered during the trip, and that he and his family immediately thereafter started for San Antonio. On his last appearance before the Commission he omitted the soldier feature of his release and return, and testified that he effected the release of himself and family in Mexico, by laboring until the amount for which he was held was satisfied; that he , leaving his family at Chihuahua, together with Mr. Brown, a lumberman, followed a train of wagons from Chihuahua to the Rio Grande river, where he worked in a mill for ten months, during which time he sent money to his family in Mexico for their support; that finally, he arranged with a man in charge of a Mexican wagon train to bring his family to him, the consideration being $15.00, and that after their arrival, he and his family remained on the Rio Grande river for a while, or until he arranged with the boss of another wagon train to transport himself and family to San Antonio, and that, on their arrival at the latter place, instead of charging him anything for transportation, the man in charge of the train paid him $10.00 , for services rendered during the trip.

In view of the many unreasonable and improbable assertions made by the applicant, Burrell Daniels, relative to matters that he could have known only by hearsay, or by drafts upon a rather vivid imagination, of which he seems possessed, in connection with the many contradictory statements made by him, it is considered that his testimony is of little value in ascertaining the facts at issue in his case, and that his acts, in connection with certain facts known to this office, will better serve as a guide in determining whether or not it was his intention, after the rebellion, to return to the Cherokee Nation as soon as circumstances would permit.

Burrell Daniels testifies that he knew nothing of the treaty of 1866 prior to his removal to the Cherokee Nation in 1884, hence, it cannot be inferred that during the interval between July 19, 1866, and the date of his removal to said Nation it was ever his intention to comply with its provisions.

The testimony of Burrell Daniels as to dates and places of birth of his children, records of their marriages, and other attendant circumstances, shows that he and his family

lived at least twelve years in Texas; but, after the most thorough examination, this applicant will account for but five and one-half years spent in that state, which, on its face shows an inclination to keep back facts that would tend to show whether or not he intended to make Texas his home.

It is urged by the attorneys for applicants as a reason for Daniels and his family's failure to return to the Cherokee Nation at an earlier date, that their stay in Texas was at a time when no railroads had penetrated these regions (Weimar and San Antonio, Texas), or afforded facilities for travel . This is but a quotation from the Assistant Attorney-General's opinion rendered on May 8, 1906, wherein he says:

> "He (Burrell Daniels) was not returned, however to his home in the Nation, but was left in San Antonio, in Texas, about seven hundred miles from the Cherokee country, when no railroads had penetrated these regions or afforded facilities for travel".

It is a matter of public knowledge that the Missouri, Kansas and Texas railway was built through the Indian Territory to Denison, Texas, during the years 1871 and 1872, and

it is known to this office that this line passes through the Cherokee Nation within ten miles of Burrell Daniels' old home on Grand River.

"In 1850, General Sidney Sherman organized, in Boston, Mass. a company for the building of a railroad in Texas. In 1852 the Buffalo Bayou, Brazos & Colorado road was begun, and the shrill whistle of the engine was heard at Harrisburg. The road, in 1859 had reached the Colorado river, only sixty-five miles from its starting point. This was the beginning of the great line now known as the 'Sunset Route' (Southern Pacific)" A new History of Texas, Revised Ed. page 332. (This is the railroad on which Burrell Daniels and his family traveled from San Antonio to Weimar, shortly after their removal from Mexico to Texas).

"In 1848 a charter was granted to the Houston & Texas Central; work was not begun till 1853, and in 1861 not more than eighty miles had been completed. Twelve years later the road reached Denison and became a mighty thoroughfare of traffic.

"Even as late as 1867 the railroads in Texas were few in number and limited in extent, the total mileage amounting to not more than four hundred miles. From 1873 to 1890 there was a wonderful increase; roads sprang up in all directions, new sections were opened and rapidly settled, everywhere the iron horse carried civilization, comforts and luxuries." Ib.

Thus it will be seen that as early as 1873 there was a direct all-rail route from that part of Texas (Weimar and San Antonio), where the Daniels's were located, to within

a few miles of their old home in the Cherokee Nation. This, it is believed, fully settles any question as to the railroad facilities between the Cherokee Nation and San Antonio, Texas, and successfully rebuts any allegations to the effect that such facilities were inadequate.

It is contended in behalf of applicants, that while Daniels and his family were living in Texas, they were the "victims of the vicious system of share-farming" and that this must be considered as one of the attendant circumstances which prevented them from returning to the Cherokee Nation at an earlier date. Burrell Daniels testified that he raised four crops in Texas. The first year he came out in debt. The second year he left the place after the crop was put in. The third year he came out even, and the fourth year he made enough out of the crop to pay up "all our debts and everything and we had enough money to come to Muskogee." This is the extent of their farming in Texas, so far as the record shows, and it does not indicate that they were the victims, for any length of time, at least, of the

so-called "vicious system of share-farming", alleged to be at that time prevalent throughout the south.

Another feature established by the evidence in this case, and worthy of comment, is this: The testimony of Burrell Daniels shows that starting from Chihuahua, Mexico, with no financial means, and traveling only by wagon train, the distance between Chihuahua and San Antonio, Texas, 820 miles, was covered by himself and family within a few months, but to cover the distance between San Antonio , Texas, and Muskogee, Indian Territory, 568 miles overland, or 703 miles by rail, required twelve years for himself and a part of his family to make the trip, and for other members of his family it required twenty-four years to reach the Cherokee Nation.

Attention is also called to the fact that the evidence in this case shows that Burrell Daniels and those who returned with him to the Territory after the rebellion, did not settle in the Cherokee Nation, but rather in the Creek Nation, where, as indicated by the Wallace Roll (1880), Cherokee Census Roll of 1893, and Kern-Clifton Roll (1896), they resided continuously for twelve or thirteen years.

The foregoing it is respectfully recommended shows conclusively that neither Burrell Daniels, nor any member of

his family returned to the Cherokee Nation after the rebellion as soon as circumstances would permit, but rather that the return of part of this family to the Indian Territory nineteen years after the close of the rebellion and the return of other members of said family thirty-two years after the war, was due to some cause other than a desire or an intention to save or acquire any citizenship rights in the Cherokee Nation.

This cause is discussed thus in detail because of its great importance to the work of enrollment of the Cherokee Freedmen. This work is at the present time almost completed. It has been attended by many difficulties caused principally by the reason that the facts to be established occurred thirty-five or more years ago, which lapse of time necessarily dims and clouds the memory of the witnesses.

The great bulk of this work was done under precedents and an interpretation of the law entirely at variance with the opinion of the Assistant Attorney-General of May 9, 1905, rendered in this cause, and the confusion which would result from a change at this late date cannot be overestimated.

Already many motions to reopen and reconsider in the light of this ruling cases long since closed, have been

Secretary-24.

filed and many other applicants are only waiting for final decision in this case along the lines laid down in the opinion of the Assistant Attorney-General, supra., to pray for a reconsideration in their cases.

It is therefore respectfully recommended that this matter be again carefully considered in the light of the views herein set forth and that my decision in this case, herewith transmitted, be affirmed.

Respectfully,

Tams Bixby.
Commissioner

Through the

Commissioner of Indian Affairs

Incl. R 90
LHB

Cherokee Freedmen

R-40.

COPY.

Muskogee, Indian Territory, September 28, 1905.

Burrell Daniels,

Talala, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 28, 1905, rejecting, among others, your application for the enrollment of yourself, your wife Meranda, and your son Robert Daniels, as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 28, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

LS
Incl. S-40
Register

Cherokee Freedmen

R-40, et al.

Copy.

Muskogee, Indian Territory, September 26, 1905.

Blue & Bulger,

Attorneys for Burrell Daniels, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.
Tams Bixby
Commissioner.

LS
Incl. S-48
Register

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-40, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 26, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 25, 1905, rejecting the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 25, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Commissioner.

LS
Incl. R-40

Muskogee, Indian Territory, October 18, 1906

The Honorable,

The Secretary of the Interior.

Sir:

On September 28, 1906, there was transmitted to the Department the record of proceedings had in the consolidated case of Burrell Daniels, et al., Cherokee Freedman R 40, et al., wherein, in its decision rendered on said date, this office found that the said Burrell Daniels, et al, possessed no rights to Cherokee freedman citizenship. Said letter set forth the views of this office relative to the law applicable in determining the rights of said applicants to enrollment as Cherokee freedmen.

I now have the honor to direct your attention to certain proceedings had before the Court of Claims, in the case of Charles Journeycake, et al., v. the Cherokee Nation, et al., 21 C. of Cls. 49, and which are considered pertinent to the position taken by this office, and material in

Secretary--2.

determining the rights to Cherokee citizenship of the above indicated applicants.

"CHARLES JOURNEYCAKE, PRINCIPAL CHIEF, v. THE CHEROKEE NATION ET AL.
JOHNSON BLACKFEATHER, PRINCIPAL CHIEF, v. THE SAME.
MOSES WHITMIRE, TRUSTEE, v. THE SAME.
(Nos. 16837, 16857, 17109. Decided January 27, 1896)"

"On complainants' Motions."

"v. .. ..

The treaty with the Cherokee Nation, 19th July, 1866 (14 Stat. L., p. 799, Art. XI), provides that the freedmen of the nation who 'are now residents therein, or who may return within six months, and their descendents' shall be entitled to dwell and occupy land in the Cherokee country. This was intended for the protection of the Cherokee Nation. That is to say, freedmen and the descendents of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree."

"The Reporters' statement of the case:

"The grounds upon which the motions were based will be found set forth in the opinion of the court. After the decision upon these motions had been announced, the counsel for the complainants in the freedmen's case requested that certain instructions be given to the Secretary of the Interior in regard to the payment of the fund. These the court referred to the Secretary for his consideration. Subsequently the court was informed that the Commissioner of Indian Affairs desired the instructions of the court as to how he should proceed under the decree in determining who were the resident freedmen entitled to share in the distribution of the funds. The court accordingly addressed to him the communication of February 10, 1896, which follows the opinion."..... .....

Secretary--3.

"Court of Claims,
Washington, February 18, 1856.

Hon. Daniel M. Browning,
Commissioner of Indian Affairs.

Sir: The court is informed that the Commissioner of Indian Affairs desires its opinion in regard to the fifth of the proposed instructions referred for the consideration of the Secretary of the Interior February 15, 1856.

"The decree in this case follows and refers to Article IX of the treaty with the Cherokee Nation, July 19, 1866, and the persons therein designated are the complainants in this case, entitled to payment under the decree."

Syllabus.

"The court is of the opinion that the clauses in that article in these words, 'And are now residents therein, or who may return within six months, and their descendants,' were intended, for the protection of the Cherokee Nation, as a limitation upon the number of persons who might avail themselves of the provisions of the treaty; and consequently that they refer to both the freedmen and the free colored persons previously named in the article. That is to say, freedmen and the descendants of freedmen who did not return within six months are excluded from the benefits of the treaty and of the decree.

"The court is also of the opinion that this period of six months commences from the date of the promulgation of the treaty, August 11, 1866, and consequently did not expire until February 11, 1867."

Wm. A. Richardson,
Chief Justice."

The foregoing is a part of the proceedings had in the case of Moses Whitmire, Trustee, etc., v. the Cherokee Nation et al., and is the interpretation of the Court

of Claims placed upon its decree in said Whitmire case, rendered on February 3, 1896, hence, in legal effect, is a part of said decree.

Paragraph II, Section 21, of an Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

> "It (the Commission) shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six."

Said Paragraph II, above quoted, is the jurisdictional act under which this office is making a roll of Cherokee freedmen, and it is respectfully submitted that in view of the foregoing, neither this office nor the Department, has authority to grant the application for the enrollment as a Cherokee Freedman of any one who can not show that he, or, in case of one who claims as a descendant, that the ancestor through whom he obtains his right to Cherokee Freedman citizenship, was actually residing in the Cherokee Nation on August 11, 1868, or established a residence in said Nation within six months thereafter.

It is respectfully requested that this letter be

Secretary --6.

made supplemental to, and considered as a part of the record in, the proceedings had in the case of Darrell Daniels, et al., applicants for enrollment as Cherokee freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs. Commissioner.

L.B.

J. J. BULGER
ATTORNEY-AT-LAW
VINITA, IND. TER.

November 10, 1905.

Messrs Bell, Hastings & Davenport,

Muskogee, I. T.

Gentlemen:

Enclosed please find affidavit "ex parte affidavit" in the Burrell Daniels case.

Respectfully,

J. J. Bulger

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.11155-1905.

December 2, 1905.

Messrs. Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Ind. T.

Gentlemen:

Receipt is acknowledged of your communication dated November 22, 1905, transmitting a protest against the reception of the affidavit of Betty McConnall in the case of Burrell Daniels, an applicant for enrollment as a Cherokee freedman, and you are advised that the same has been referred to the Commissioner of Indian Affairs to be considered in connection with said case, which the Department has been informed is pending before his office.

Respectfully,

Thomas
First Assistant Secretary.

COPY

DEPARTMENT OF THE INTERIOR. W.S.P.

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.

118-1906. WASHINGTON.

I.T.D.

February 27, 1907.

The Secretary
Of the Interior,

Sir:

You referred the papers relating to the application of Burrell Daniels et al., for enrollment as Cherokee freedmen, for opinion concerning questions of law presented by the Commissioner to the Five Civilized Tribes.

This case has been under consideration at various times and in opinion of May 7, 1906, it was recommended that the decision of the Commission to the Five Civilized Tribes, adverse to applicants, be vacated, "and the case re-adjudicated under the removal or expatriation provision of the Cherokee constitution, with liberty on the part of either Daniels or the Nation to introduce further evidence bearing upon the question of intention to change his domicil prior to his actual return to the Nation." The case was returned to the Commissioner of the Five Civilized Tribes and further hearing had. The facts developed are substantially that Daniels and other negroes formerly slaves of Cherokees, at about the close of the civil war were taken out of the Cherokee Nation and to Kansas where they were held under the passage law of that country until about 1872 when they were returned to this country. Daniels

remained at San Antonio and other places in Texas until about 1884 when he returned to the Indian Territory. He claims that he was not before that time able to have enough to carry him to his former home although it was always his desire and intention to so return. Upon his return he stopped at Muskogee in the Creek Nation and the date when he actually entered the Cherokee territory is not clearly shown.

The Commissioner of the Five Civilized Tribes held that Daniels was not entitled to enrollment. The Indian Office was of opinion that Daniels and others with him did not use diligence in returning to Indian Territory and are not entitled to enrollment.

The act of April 26, 1906 (34 Stat., 137), provides:

> The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August ninth, eighteen hundred and sixty-six; or who actually returned and established such residence in the Cherokee Nation on or before February eleventh eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes, or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior.

Upon the theory that Daniels' departure from the Cherokee Nation was not voluntary it might be held that notwithstanding his removal he still held a legal residence in the Nation. Evidently, something more than constructive legal resi-

dence was contemplated by the act of 1906. It had previously been held that one who had a constructive residence in the Nation, August 11, 1866, was within the terms of the treaty of July 19, 1866 (14 Stat. 801), which provided that freedmen and free colored persons "who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees." If it had been intended that this ruling should continue to control there would have been no necessity for further legislation on the subject. The only possible conclusion is that it was intended by the act of 1906 to change existing law as construed and to provide some different and stricter rule to guide in the enrollment of Cherokee freedmen. Evidently, it was intended to require something more than constructive residence. Under the new rule one, to entitle himself to enrollment as a Cherokee freedman, must show that he was actually not constructively residing in the nation August 11, 1866, or that he returned and established in person an actual residence within six months from that date or that he is a descendant of some person who had met these requirements. When this rule is applied to the applicants it seems clear that they can not be enrolled in spite of any equities they may have in the premises.

Nor are they saved by the qualifying clause. While they have met the condition of having made application they have

not been adjudged entitled to enrollment by the Secretary of the Interior.

I am of opinion, and so advise you, that the provision of the Act approved April 26, 1906, prevents the enrollment of these applicants.

The papers are herewith.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved:
February 27, 1907.

W. A. Whitecock,

Secretary.

D.C .12487

I.T.D.5464-1907

COPY SPECIAL RJH J.P.

LRS

DIRECT.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 28, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the opinion of the Assistant Attorney-General of February 27, 1907 approved the same day, in the matter of the application of Burrell Daniels et al., for enrollment as Cherokee freedmen.

In accordance with said opinion the application is denied.

The papers in the case have been transmitted to the Indian Office, with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 11 incs.

for ind. Off.

A F Mc

3-1-07

Cherokee F.
R 40

COPY

Muskogee, Indian Territory, March 13, 1907.

Burrell Daniels,

Talala, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of yourself, wife and child, as Cherokee freedmen, was denied by the Secretary of the Interior, February 28, 1907.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

JMK

Cherokee F.
R 40, et al.

COPY

Muskogee, Indian Territory, March 13, 1907.

William M. Cravens,

Attorney for Burrell Daniels, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Encl. R-25
JMH

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
R 40, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the applications for the enrollment of Burrell Daniels, et al., as Cherokee freedmen, were denied by the Secretary of the Interior, February 28, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-26
JMH

Dear Mr.
Lidell,
Please find enclosed
a Transmission
Receipt from
10.10.08.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of April 10th, 1901 in the matter of the application of Burrell Daniels et al for enrollment as Freedmen of the Cherokee Nation.

Cherokee #R40.

Mellette & Smith

Attorney for Applicants.

CFR-40

Tahlequah Indian Territory, 7/20/17 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

THERE one copy of the Supl testimony in Burrel Daniels et al

of 6/8/15

J. J. Sugart

Attorney for Applicant.

CHEROKEE FREEDMEN

IN THE MATTER OF THE APPLICATION OF

Burrell Daniels et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

"C"

A Original testimony, Apps. 10-0

B Mem of application, " " "

2 Receipt for testimony

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 24 1904

Copy of testimony filed with Dawes Roll

Cherokee Freedmen Docket

D 861, D 916 D 917, D 941

Burrell Daniels et. al.

"B"

Burrell Daniels et. al. R 40.
Andrew " " " 2861.
Lizzie Shafer " " 916.
Mary Hill " " 917.
Lizzie Haynes " " 944.
Mack Daniels " " 1089.
Thomas " " " 1100.
Burrell H. " " " 1101.

Cher Fr R 41

Cher Fr R 41

A. F. 41

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 12 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 16th 1901.

In the matter of the application of Daniel Williams for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

Q What is your name? A. Daniel Williams.
Q What is your age? A. 25.
Q What is your post office address? A. Foreman.
Q What district do you live in? A. Sequoyah.
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir.
Q Have you ever applied for enrollment as a Freedman of any cher Nation? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. I dont know.
Q What is your fathers name? A. ~~I MARK KNOW~~. Dan Williams
Q Is he living? A. No sir..
Q What is your mothers name? A. Martha Washington.
Q Is she living? A. Yes sir.
Q You know that you name is not on the roll of 1880 dont you? A. Well yes sir I do.
Q Where were you born? A. Sequoyah district.
Q Where have you lived since you were born? A. In Sequoyah district
Q Cherokee Nation? A.Yes sir.
Q Are you married? A. No sir.
Q Who do you want to have enrolled? A. Only myself.
Q Was your father a slave? A. He was not a citizen.
Q Was your mother a citizen? A. Yes sir.
Q Was she a slave? A. Yes sir.
Q Is she living? A. Yes sir.
Q Where is your mother? A. In New York City now.
Q Is there any one here who knows anything about you? A. Zack Foreman
Q What was your mother's owner's name? A. Gunter.

By Com'r Needles,-

The name of Daniel Williams is not found on the authenticated roll of 1880 or the census roll of 1896, and he makes no satisfactory proof as to his citizenship or the citizenship of his mother, consequently his application for enrollment as a Cherokee Freedman will be refused and he will be rejected.

* * * * * * * * * * *

Chas. von Weise, beingsworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Illegible)

Subscribed and sworn to before me this the 18th day of April, 1901

Commissioner.

76. 141

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 10 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 10 1901

Post Office Freeman

District Seq

1. Name Daniel Williams Age 25

Owner's name Citizenship

Year Page No. District

Parents:

Father Dan Williams Citizenship Col D

Mother Martha Washington Citizenship "

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Ross(?) Stenographer Van Wein Clas

COPY

A.B.Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Washington et al., as Cherokee freedmen, consolidating the applications of:

Martha Washington,	Cherokee Freedmen R 343
Daniel Williams,	Cherokee Freedmen R 41
Ulysses Grant Williams,	Cherokee Freedmen R 342

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Martha Washington for herself; by Daniel Williams for himself; and by Ulysses Grant Williams for himself.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Martha Washington, claims the right to enrollment as a Cherokee freedman by virtue of having complied with the provisions of Article IX, Treaty of 1866, and that the other applicants herein claim on her descendants.

In support of her application the principal applicant testified on June 20, 1902, that she was forty-nine years old, was born in Sequoyah District, Cherokee Nation, and lived therein all her life except during the war, when she went south. Further as she testified that she lived in the Cherokee Nation all her life except about three years spent in the Choctaw Nation, but on cross-examination, admits that she lived in New York City about nine years next before one year prior to filing her application for enrollment. (Testimony of her son, Ulysses Grant Williams, taken on same date shows that his mother returned to the Cherokee Nation in June, 1901). The principal applicant further testified that she has been twice married, the first time to one (Sam) Williams, and the second time to one Washington,

and that she has never been recognized as a citizen of the Cherokee Nation by the Cherokee tribal authorities.

On behalf of the principal applicant, Araminta Pack, on November 17, 1904, testified that she was sixty-one years old, is a Cherokee by blood, and lives at Muldrow, Sequoyah District, Cherokee Nation; that her father was a Cherokee by blood, and owned the principal applicant at the commencement of the rebellion; that the principal applicant was taken by her (the witness's) family, to the Choctaw Nation during the war, and brought back to Scullyville, Choctaw Nation, after peace was declared in 1865, where she was liberated, and went to Fort Smith, Arkansas; that witness's family made a crop in the Choctaw Nation during the year 1865, and in the fall of that year, removed across the river to the Cherokee Nation; that about one and one-half years later, the principal applicant came to her house looking for work, remained over night, and returned to Fort Smith, where she was at that time living; and that several years later she, with her husband, removed to the Cherokee Nation and continuously resided therein until she started to Africa, some years later. On Cross-examination this witness is positive that she did not see the principal applicant in the Cherokee Nation prior to April, 1867.

On behalf of the Cherokee Nation, John E. Gunter, on November 23, 1904, testified that he was fifty-eight years old, lives at Muldrow, Sequoyah District, Cherokee Nation, is a Cherokee by blood, and is a brother of the applicant's witness, Araminta Pack; that the principal applicant was the slave of his father at the commencement of, and was taken to Red River, Choctaw Nation, during, the rebellion, where they remained until the fall of 1865, when they returned to Scullyville, Choctaw Nation, where the principal applicant was liberated and left the family; that the witness and family remained at Scullyville until the fall of 1866, when they removed across the river to the Cherokee Nation; that seven or eight years later, he first saw the applicant and her first husband in the Cherokee Nation, that they had just removed there from Fort Smith, Arkansas, and that they continuously resided therein for several years, when said principal applicant and her second husband left for Africa. Witness further testified that in going from his home to Fort Smith, Arkansas, his trading point, he frequently passed the place where the principal applicant afterwards located, and that by reason of holding numerous official positions under the Cherokee government, which, to secure, required a thorough canvas of the voters, he was acquainted with every family in his (Sequoyah) District, and that he is positive that this applicant and her family were not living in Sequoyah District, Cherokee Nation, prior to the time above indicated.

On April 10, 1901, Daniel Williams, in support of his application for enrollment as a Cherokee freedman, testified that he was twenty-five years old, is a son of the principal applicant, Martha Washington, and one Dan Williams, deceased, who was a non-citizen of the Cherokee Nation; and

On June 30, 1902, Ulysses Grant Williams in support of

his application for enrollment as a Cherokee freedman, testified that he was twenty-three years old, and is a son of the principal applicant, Martha Washington, and one Dan Williams, deceased, who was a non-citizen of the Cherokee Nation.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the principal applicant, Martha Washington, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish her residence therein within the time specified in the Whitmire decree; and that the applicants Daniel and Ulysses Grant Williams, were born since the close of the rebellion, are children of the applicant Martha Washington and possess no rights to Cherokee Freedman citizenship other than as her descendants.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Martha Washington, Daniel Williams and Ulysses Grant Williams are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby,

Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 19 1906.

Cherokee Freedmen
R 41

Muskogee, Indian Territory, February 25, 1904.

Daniel Williams,

Foreman, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether your parents are Cherokee Freedmen and entitled to enrollment as such; also further testimony as to your right to enrollment.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

1284

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY,

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
B 41

Muskogee, Indian Territory, February 26, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Daniel Williams for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether his parents are Cherokee Freedmen and entitled to enrollment as such; also further testimony as to his right to enrollment.

The said Daniel Williams has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee
F R 41

Muskogee, Indian Territory, February 19, 1906.

Daniel Williams,

Foreman, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Neal & London, Fort Smith, Arkansas, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. 21-99.
SHL.

Acting Commissioner.

Cherokee
F R 343 et al.

Muskogee, Indian Territory, February 19, 1906.

Neal & London,

Attorneys for Martha Washington, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in these cases.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Wm. O. Beall
Acting Commissioner

Incl. GL-101.
GHL

COPY.

Cherokee
F R 343 et al.

Muskogee, Indian Territory, February 19, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams, as Cherokee freedmen.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Wm O Beall
Acting Commissioner.

Incl. CL-102.
GHL

COPY

Muskogee, Indian Territory, February 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting said applications.

Respectfully,

(SIGNED) Wm O. Beall
Acting Commissioner.

Incl. GL-103.
GHL

Through the Commissioner
of Indian Affairs.

(C O P Y)

LAND
17400-1906

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

May 17, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated February 19, 1906, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Martha Washington for herself; by Daniel Williams for himself; and by Ulysses Grant Williams for himself.

February 19, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the principal applicant, Martha Washington, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, and did not return thereto and establish a residence therein on or before February 11, 1867; that the other applicants are children of Martha Washington, born since the close of the war, and possess no rights to Cherokee citizenship other than as her descendants.

In view of the record the approval of the Commissioner's decision adverse to the applicants is recommended.

Very respectfully

C. F. Larrabee

Acting Commissioner

KEM

G.R.

LLB

(C O P Y)

I.T.D. 9042-1906

L R S

DEPARTMENT OF THE INTERIOR

WASHINGTON.

May 31, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Sir:

In accordance with the recommendation of the Indian Office of May 17, 1906, your decision of February 19, 1906, denying the applications for the enrollment of Martha Washington, Daniel Williams, and Ulysses Grant Williams as Cherokee freedmen, is hereby affirmed.

A copy of Indian Office letter is inclosed.

Respectfully,

(Signed) JESSE E. WILSON
Assistant Secretary.

1 inclosure.

Cherokee Freedmen
R 343.

Muskogee, Indian Territory, June 13, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 19, 1906, rejecting the applications of Martha Washington, Ulysses G. and Daniel Williams, for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith copy of Departmental letter decision referred to.

Respectfully,

Encl. A-29.

M.A.

Commissioner.

Cherokee Freedman
R 41.

Muskogee, Indian Territory, June 15, 1906.

Daniel Williams,

Foreman, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated February 19, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior May 31, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-10
MMP

Commissioner.

Cher Fr R 42

Cher Fr R 42

ENROLLMENT REFUSED

CHEROKEE FREEDMAN. R 42

IN THE MATTER OF THE APPLICATION OF

Mary Bowie

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

6/1

an

to

Cit

Ins

53.

Cher Fr R 43

Cher Fr R 43

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 11, 1901.

In the matter of the application of Tony Blue for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Tony Blue.
Q How old are you ? A Between 46 and 48.
Q What is your postoffice? A Wagoner.
Q What district do you live in? A Tahlequah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A I tried here first.
Q What did you apply for when you applied? A For citizenship here.
Q In the Cherokee Nation? A Yes sir.
Q You never applied in any other nation - as a Creek? A No sir; I applied in the Chickasaw Nation.
Q What was the result there? A I don't know, I never got my answer from it there.
Q What made you apply to the Chickasaws? A I was bred and born in the Choctaw Nation.
Q Was you a slave? A Yes sir.
Q What was your owner's name? A Salina Colbert.
Q Was she a Cherokee? A She was a Choctaw.
Q Are you married? A Yes sir.
Q What is your wife's name? A Jane Blue; Bearpaw was her maiden name.
Q Do you apply for her? A Yes sir.
Q Is she a Cherokee citizen? A Yes sir, Cherok e by blood.
Q She's enrolled as an Indian then, isn't she? A Yes sir.
Q Then you don't want to enroll her as a Freedman? A I done enrolled her at Tahlequah. You told me to come here now when it was my time.
Q You are only applying for yourself now? A Yes sir, I want to know what you are going to do with me.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

Applicant- You won't find me on the 1880 roll.

Q How long have you lived in the Cherokee Nation? A I lived in the Cherokee Nation thirteen years; I come here in '88.
Q You've been living in the Cherokee Nation ever since? A Ever since, yes sir.
Q We have no right to enroll you as a Cherokee? A That's what I want to know. According to your request, I come here.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is not found of record thereon.

The name of the applicant is not found upon the authenticated roll of 1880, nor the census roll of 1896; he avers he was born in the Choctaw Nation, and that he was a slave and that his owner was a Choctaw. He avers that his present wife is a Cherokee citizen by blood; consequently his application for enrollment as a Cherokee Freedman will be denied and he will be rejected.

2- T. B.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenberger

Subscribed and sworn to before me this 12th day of April, 190..

Commissioner.

U. S. F. 1643

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 11 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 11 1901

Post Office Wagoner

District Tahl

1. Name Tony Blue Age 48

Owner's name Salina Colbert Citizenship ~~Cherokee~~

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ~~Jane Blue~~ Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Jno W Stenographer Rotten Jones E.S.

CTB

Cherokee Freedman R 43

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Tony Blue as a Cherokee Freedman.

--:--

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Fort Gibson, Indian Territory , on April 11, 1901, Tony Blue appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Cherokee Freedman.

The records further show that Tony Blue possesses the right to enrollment as a Choctaw Freedman, and that his name is included in a partial roll of Choctaw Freedmen approved by the Secretary of the Interior November 16, 1904, at No. 4879.

Section Twenty-eight of the Act of Congress approved July 1, 1902, (32 Stat., 716) provides:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section Twenty-eight of the Act of Congress above noted, Tony Blue is not entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this NOV

Cherokee Freedmen
R 43

Muskogee, Indian Territory, February 25, 1904.

Commission to the Five Civilized Tribes,
Choctaw-Chickasaw Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Tony Blue for enrollment as a Cherokee Freedman the records in this Division show that this applicant is listed for enrollment on Chickasaw Freedman Card No. 108. It is requested that the Cherokee Division be advised as to the present status of this applicant as a Chickasaw Freedman, and if his name has been placed upon the final roll of citizens of that Nation, it is requested that his number be given, together with the date of the Department's approval of said roll.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Chickasaw Freedman
108

Muskogee, Indian Territory, February 26, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

In reply to your letter of February 25, 1904, requesting information relative to the enrollment of Tony Blue, a Chickasaw freedman, you are advised it appears from our records that Tony Blue, 49 years of age, of Wagoner, Indian Territory, is listed for enrollment as a Chickasaw freedman, but his name has not yet been placed upon a schedule of said freedman to be transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-45.

Muskogee, Indian Territory, November 24, 1905.

Tony Blue,

Melvin, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting your application for enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is advised of the same.

Respectfully,

Acting Commissioner.

Incl. S-160
Register

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-43.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application of Tony Blue for enrollment as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is advised of the same.

Respectfully,

Acting Commissioner.

Incl. S-161

COPY

Muskogee, Indian Territory, Nov[illegible], 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Tony Blue as a Cherokee freedman, including the Commissioner's decision dated November 24, 1905, rejecting said application.

Respectfully,

SIGNED

Acting Commissioner.

Incl. S-167

Through the
Commissioner of Indian Affairs.

Land:
95410-1905.

--Copy---

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir: I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 24, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Tony Blue.

November 24, 1905, the Commissioner decided adversely to the applicant.

The record shows that Tony Blue's name is included in a partial roll of Choctaw Freedmen approved by the Department November 16, 1904, at Number 4879.

In view of the record and of Section 28 of the act of July 1, 1902 (32 Stats., 716), the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

MMM
C

D. C. 3545-1906.
I.T.D. 816-1906.
LRS

Y.P.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

January 22, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

November 24, 1905, you transmitted the record in the matter of the application of Tony Blue for enrollment as a Cherokee freedman.

Reporting January 15, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision dated November 24, 1905, is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) Thos. Ryan,
First Assistant Secretary.

Cherokee
F R 43.

COPY.

Muskogee, Indian Territory, January 31, 1906.

Tony Blue,

Melvin, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting your application for enrollment as a Cherokee freedman, was on January 22, 1906, affirmed by the Secretary of the Interior.

For your information there is herewith inclosed a copy of the Departmental decision above referred to.

Respectfully,

Wm O. Beall
Acting Commissioner.

Incl. GL-94.
GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F R 43.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 31, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application for the enrollment of Tony Blue as a Cherokee freedman, was on January 22, 1906, affirmed by the Secretary of the Interior.

For your information there is inclosed herewith a copy of the Departmental decision above referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-95.
GHL

Cher Fr R 44

Cher Fr R 44

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 12th, 1901.

In the matter of the application of Mary Counsel for the enrollment of herself and five children as Cherokee Freedmen; said Counsel being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Counsel.
Q How old are you? A 50 years old.
Q What is your post office? A Melvin, I. T.
Q What district do you live in? A Tahlequah district.
Q Are you a recognized citizen of the Cherokee Nation? A No, sir.
Q What do you apply for to be enrolled? A Cherokee Freedman, I was a Freedman of the Cherokees.
Q You have never been recognized you say? A No, sir.
Q Is your name on the rolls of the Cherokee Nation? A I registered on the Wallace Roll.
Q Have you got a lawyer? A No, sir.
Q Were you a slave? A Yes, sir; I was the house girl for Jake Alberty.
Q Where were you at the beginning of the War between the Confederacy and the United States? A I was up here on Flat Rock Creek.
Q In the Cherokee Nation? A Yes, sir.
Q were you taken out during the war? A Yes, sir; Jake Alberty took me to Texas.
Q How long have you been back? A About 13 or 14 years .
Q You stayed in Texas until 13 or 14 years ago? A I stayed there until I was grown and got married and my husband brought me back here.
Q Who do you want to enroll besides yourself? A Eight or nine children.
Q How many under 21? A Rachel Counsel.
Q How old is she? A She is 20 years old.
Q What is the next one's name? A Mary Counsel.
Q How old is she? A 18 years old.
Q What is the name of the next one? A Beatrice.
Q How old is she? A 15 years old.
Q What is the next one? A Annie.
Q How old is she? A She is seven years old.
Q The next one? A Jackson, five years old.
Q Where were you married? A Married in the state of Texas.
Q What is your husband? A State man.
Q Where do you live? A I lives in Tahlequah District, up here on Ranger Creek.
Q How long have you been living there? A 12 years.
Q You come from Texas there? A I come from Texas right to the Cherokee Nation.
Q Were these children born in Texas? A Three of them was born.

The 1860 authenticated roll of citizens of the Cherokee Nation examined, and applicant's name not found thereon.

1896 census roll of citizens of the Cherokee Nation examned and the names of applicants not found thereon.

Com'r Needles- The name of Mary Counsel is not found upon any of the rolls of the Cherokee Nation in the possession of this Commission; she avers that she was a slave of one Alberty, and was taken to Texas, and did not return until twelve or thirteen years ago; she avers that she has three children, Rachel, Mary and Beatrice Counsel, born in the state of Texas, and two, Annie and Jackson, born in the Cherokee Nation; because of the facts as developed in the testimony, the application of Mary Counsel for the enroll-

ment of herself and children as Cherokee Freedmen, will be refused.

---oooOOOooOOOooOOOooOOOooo---

J.O .Rosson, being first duly sworn, states that as stenographer to the Commissionto the Five Civilized Tribes he correctly recorded the testimony and proceedingsin this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this April 13, 1901.

M D Green
Notary Pub

Commissioner.

B. F. R. 44

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 12 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 12 1901

Post Office Melvin

District Tahl

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Mary Counsel Age 50

Owners name Jake Alberty. Citizenship Cherokee

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

2. Rachel Counsel Year ..... Page ..... No. ..... Dist. 20

3. Mary " Year ..... Page ..... No. ..... Dist. 18

4. Beatrice " Year ..... Page ..... No. ..... Dist. 16

5. Annie " Year ..... Page ..... No. ..... Dist. 7

6. Jackson " Year ..... Page ..... No. ..... Dist. 7

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No 6 Stenographer Russell J. O.

32 Y.R.44

IN RE
THE DEATH OF

Mary Counsel

a citizen of the

Cherokee Nation.

Approved Feb 13 1904

Commissioner in Charge. Commissioner.

FILED
FEB 13 1904
COMMISSION TO FIVE TRIBES.

C. T. R. 44

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Mary Caunsel
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Melvin, Ind. Ter., and died ~~on~~ about the 5 day of October, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Andrew Caunsel, on oath state that I am 53 years of age and a citizen, ~~by~~ _____, of the N.S. Nation; that my post office address is Melvin, Ind. Ter.; that I am husband of Mary Caunsel,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation; and that said Mary Caunsel died ~~on~~ about the 5 day of October, 1902.

Andrew Caunsel

WITNESSES TO MARK:

(Must be Two Witnesses.) _____

_____

Subscribed and sworn to before me this 13th *day of* February *1904.*

Edward McPike
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
_____ District.

I, _____, on oath state that I am _____ years of age, and a citizen, by _____, of the _____ Nation; that my post office address is _____ Ind. Ter.; that I was personally acquainted with _____ who was a citizen, by _____, of the _____ Nation; and that said _____ died on the _____ day of _____, 1_____.

WITNESSES TO MARK:

(Must be Two Witnesses.) _____

_____

Subscribed and sworn to before me this _____ *day of* _____ *190*___.

_____
Notary Public.

22 CHR 44

IN RE
THE DEATH OF

Rachel Owens

a citizen of the

Cherokee Nation.

Approved Feb 12 1904

Commissioner.

FILED
FEB 13 1904
COMMISSION TO FIVE TRIBES.

C F 1244

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Rachel Caunsel
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near Melvin, Ind. Ter., and died ~~on~~ about on the 11th day of October, 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Illegible District. }

I, Andrew Caunsel, on oath state that I am 53 years of age and a citizen, ~~by~~ ——, of the MS Nation; that my post office address is Melvin, Ind. Ter.; that I am Father of Rachel Caunsel,
(Here insert name of post office.)
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)

who was a citizen, by adoption, of the Cherokee Nation; and that said Rachel Caunsel died ~~on~~ about on the 11th day of Oct., 1902

Andrew Caunsel

WITNESSES TO MARK:

(Must be Two Witnesses.) ——

——

Subscribed and sworn to before me this 13th day of February 1904.

Edward Merrick
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
——— District. }

I, ———, on oath state that I am ——— years of age, and a citizen, by ———, of the ——— Nation; that my post office address is ——— Ind. Ter.;
(Here insert name of post office.)

that I was personally acquainted with ———
(Here insert name of deceased.)

who was a citizen, by ———, of the ——— Nation; and that said ——— died on the ——— day of
(Here insert name of deceased.)

———, 1———.

———

WITNESSES TO MARK:

(Must be Two Witnesses.) ——

——

Subscribed and sworn to before me this ——— day of ——— 190—.

———
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Counsel et al., as Cherokee freedmen, consolidating the applications of:

Mary Counsel et al	Cherokee Freedmen R 44
Jenkins Counsel	Cherokee Freedmen R 55
Sallie Brooks et al	Cherokee Freedmen R 54

D E C I S I O N.

The record herein shows that application was made to this Commission by Mary Counsel for the enrollment of herself and her minor children, Rachel, Mary, Beatrice, Annie and Jackson Counsel; by Jenkins Counsel for the enrollment of himself, and by Sallie Brooks for the enrollment of herself and her minor children, Henry K. Brooks, Rider S. and Jodie Vann and Ellis, Mattie and James Carter, as Cherokee freedmen.

The evidence shows that Mary Counsel was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during said rebellion, but did not return thereto until after February 11, 1867. Her children, Jenkins Counsel, Sallie Brooks, Rachel, Mary, Beatrice, Annie and Jackson Counsel, were born since the last mentioned date to said Mary Counsel and her husband, a non-citizen, and can acquire no rights as Cherokee freedmen not possessed by their said mother. It is further shown that Sallie Brooks, possessing no rights as a Cherokee freedman, can confer none on her minor children applicants hereinbefore mentioned.

None of the applicants herein, living in 1880, can be identified on the Cherokee authenticated roll of that year.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mary Counsel, Rachel Counsel, Mary Counsel, Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins

Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Vann, Mattie Vann and James Carter as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 20 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

A.T.M.
1665

In the matter of the application for the enrollment of Mary Counsel Sr., et al., as Cherokee Freedmen, consolidating the applications of --

Mary Counsel Sr., et al.	Cherokee Freedmen R-44,
Jenkins Counsel	Cherokee Freedmen R-53,
Sallie Brooks, et al.	Cherokee Freedmen R-54.

-:-

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Mary Counsel Sr., for herself and minor children, Rachel, Mary Jr., Beatrice, Annie and Jackson Counsel; by Jenkins Counsel for himself; and by Sallie Brooks for herself and minor children, Henry K. Brooks, Rider S., Jodie, Mattie and James Vann, and Ellis Carter.

The evidence herein shows that the principal applicant, Mary Counsel Sr., was the slave of a Cherokee citizen at the commencement of the Rebellion; and that she was taken out of the Cherokee Nation during said Rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation. The applicants, Rachel, Mary Jr., Beatrice, Annie, Jackson and Jenkins Counsel, and Sallie Brooks, are children of the said Mary Counsel, Sr., were born since 1866, and possess no rights to enrollment other than as descendants of their said mother. None of the above mentioned applicants can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the minor applicants, Henry K. Brooks, Rider S., Jodie, Mattie and James Vann, and Ellis Carter, are children of the said Sallie Brooks, were born since 1880, and, except as below noted, possess no rights to enrollment other than as descendants of their said mother. It appears that one Andy Vann is the father of the applicants, Rider S. and Jodie Vann; and that one Andy Carter is the father of the applicant, Ellis Carter. The said Andy Vann and Andy Carter are Cherokee freedmen, duly identified on the Cherokee authenticated tribal roll of 1880, and have been by this Commission listed for enrollment as Cherokee Freedmen on straight cards Nos.684 and 556, respectively. The said applicants, Rider S. and Jodie

Vann, and Ellis Carter, were born in the Cherokee Nation and have continuously resided therein since birth.

It is, therefore, the opinion of this Commission that Rider S. Vann, Jodie Vann and Ellis Carter, should be enrolled as Cherokee Freedmen, in accordance with the provisions of the act below noted; and that the applications for the enrollment of Mary Counsel Sr., Rachel Counsel, Mary Counsel Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel and Jenkins Counsel, Sallie Brooks, Henry H. Brooks, Mattie Vann and James Vann, as Cherokee Freedmen, should be denied, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner.

Commissioner

Muskogee, Indian Territory,

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Counsel Sr., et al., as Cherokee Freedmen, consolidating the applications of:

Mary Counsel Sr., et al.,	Cherokee Freedman R 44
Jenkins Counsel,	Cherokee Freedman R 53
Sallie Brooks, et al.,	Cherokee Freedman R 54.

-: D E C I S I O N :-

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Mary Counsel Sr., for herself and minor children, Rachel, Mary Jr., Beatrice, Annie and Jackson Counsel; by Jenkins Counsel for himself; and by Sallie Brooks for herself and her minor children, Henry K. Brooks, Rider S., Jodie, Mattie and James Vann, and Ellis Carter.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Mary Counsel Sr., was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Rachel, Mary Jr., Beatrice, Annie, Jackson and Jenkins Counsel, Sallie Brooks and Henry K. Brooks, are descendants of the said Mary Counsel Sr., were born since 1866, and possess no rights to enrollment other than as such descendants; and that the minor applicants, Rider S., Jodie, Mattie and James Vann, and Ellis Carter, are children of the said Sallie Brooks, were born since 1880, and after ample opportunity having been afforded, it is not satisfactorily established that

they possess any rights to enrollment other than as descendants of their said mother. Consequently, the application for their enrollment should be adjudicated under the rulings of the Department in the cases of Eliza Bryant et al. (I. T. D. 544-1904), William Rector (I. T. D. 1468-1904), Minnie Duncan et al. (I. T. D. 1470-1904), Samantha Chambers (I. T. D. 2296-1904), Ed Williams (I. T. D. 4230-1904) and Moses Ross (I. T. D. 6056-1904).

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

Attention is called to the allegations made by the mother, and testimony of the alleged fathers, in this case, tending to show that certain minor applicants herein are the illegitimate offspring of men whose rights to enrollment as Cherokee freedmen have been heretofore conclusively established. Aside from the fact that the gross immorality the mother and alleged fathers of said minor applicants acknowledged themselves guilty of is, in itself, sufficient to discredit their testimony and render it of little value, it is considered by the Commission that to grant the application for enrollment of illegitimate minor applicants on the testimony of their mothers and putative fathers alone, would be to establish a dangerous precedent-- one which could not be safely followed.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Mary Counsel Sr., Rachel Counsel, Mary Counsel Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattie Vann and James Vann, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 30 1905

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, May 1, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have the honor to return herewith consolidated case of

Mary Counsel, Sr., et al, Cherokee Freedmen R-44,
Jenkins Counsel " " R-53,
Sallie Brooks, et al, " " R-54.

It seems that this case was decided April 20, 1904 denying all of the applicants. The new decision has not been concurred in by any member of the Commission. It proposes the enrollment of Rider S. Vann, Jodie Vann and Ellis Carter, children of Sallie Brooks, on the ground that the respective fathers of these children are identified on the roll of 1880 and duly shown to possess Cherokee citizenship rights.

I believe that if it is desired to recast this decision, due mention will have to be made of the former decision and the same be revoked in whole or in part so as to duly provide for the amended matter. There seems to be some typeographical errors in the names as written in the first decision and they at least call for careful attention and perhaps certain correction. I do not believe that the evidence submitted in support of the claim that Rider S. Vann and Jodie Vann are the children of Andy Vann and that Ellis Carter is the child of Andy Carter is at all sufficient to justify the conclusion that such is the case. I respectfully recommend, therefore,

FR44

INDEXED

COMMISSION TO F. [illegible]
No. 22250 1905
Received MAY 3 1905
D

Cherokee Land Office,
Breckinridge,
Tahlequah, I.T.,
May 1, 1905.

Returns consolidated Cherokee freedmen case of Mary Counsel, Sr., et al, and suggests that former decision in said case be adhered to, with exception of correction of typeographical errors therein.

that the first decision be adhered to with only such changes as may be necessary to correct typeographical errors or to give it fuller expression and the same effect that it already has.

Respectfully,

C. R. Breathitt Jr.

MH
Enc. H-66

Commissioner in Charge
Cherokee Land Office.

Think first
decision OK. do
not think we can
do anything but
correct any
seeming typographical
errors

OTB

Private dressing Table.

Cherokee Freedmen

R-44.

Muskogee, Indian Territory, June 30, 1905.

Mary Counsel, Jr.,

Melvin, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, William F. Rasmus, Tahlequah, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Incl 8-15

Register

Cherokee Freedmen

R-44.

Muskogee, Indian Territory, June 30, 1905.

William F. Rasmus,

Attorney for Mary Counsel, Jr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, the application for the enrollment of Mary Counsel Jr., et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-16
Register

(SIGNED) Tams Bixby
Chairman.

Cherokee Freedmen
R-44, et al.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Mary Counsel Jr., et al., as Cherokee freedmen, including the Commission's decision dated June 30, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.

Incl. S-20

Chairman.

Through the

Commissioner of Indian Affairs.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
Bell, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 30, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the applications for the enrollment of Mary Counsel Jr., et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. 8-19

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

LAND
50923-1905.
101428-1905.

September 12, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

On August 10, 1905, the Office transmitted to the Department the record in the matter of the application for enrollment of Mary Counsel, Sr., et al., as Cherokee freedmen, and on the 8th of December , 1905, requested the Department to return the record for further consideration.

Mary Counsel made application before the Commission on April 12, 1901, for the enrollment as herself and five minor children as Cherokee freedmen. It is shown by the testimony that she was the slave of one Jake Alberty and was taken from the Nation to Texas during the War. She was married in Texas to a citizen of that State. By her own testimony, she did not return to the Nation until about the year 1887, and three of her five minor children were born in Texas, two in the Nation. Her name does not appear on any of the rolls of the Cherokee Nation.

Jenkins Counsel made application for his enrollment before the Commission on April 19, 1901. He was son of Mary Counsel, Sr., was born in Texas, and returned to the Cherokee Nation

about the year 1887. He bases his right to enrollment as a Cherokee freedman through his mother. His name does not appearon the Cherokee roll of 1880, or on the census roll of 1896, or on the Kerns-Clifton pay-roll.

Sallie Brooks, a daughter of Mary Counsel, Sr., applied for enrollment as a Cherokee freedman on April 19, 1901, for herself and six minor children. It is shown by the testimony that she was born in Texas, and married and lived for a time in Arkansas; and that she returned to the Nation with her mother about the year 1887. It is also shown that five of herminor children are illegitimate, she claiming that one Andy Vann, a Cherokee freedman, is the father of Rider S. Vann, aged ten, Jodie Vann, aged nine, Mattie Vann, aged five, and Jenks Vann, aged three, and that one Andy Carter, an enrolled Cherokee freedman, is the father of Ellis Carter, aged seven. Both of these men were witnesses before the Commission, Andy Vann testifying that it was possible that he was the father of Rider S, and Jodie Vann, but that he was not the father of Mattie Vann nor Jenks Vann. Andy Carter claimed that he did not know who was the father of Ellis Carter. The most that he knew was that Sallie Brooks claimed that he was the father of the child.

Under Section 2, of the Act of April 26, 1906, for the purposes of enrollment, illegitimate children take the status of the mother, hence even if there was no question as to the father of these five children, they could not be enrolled as

freedmen unless through their mother.

The evidence in this case shows that Mary Counsel, Sr., the principal applicant, left the Cherokee Nation during the Civil War, and did not return thereto again until about the year 1887, nearly twenty years after the time specified in the treaty between the United States and the Cherokee Nation, and that her name does not appear on any of the authenticated Cherokee rolls. All of the other applicants in this case were born since 1866, and possess no rights to enrollment other than as descendants of the principal applicant.

The Office therefore recommends that the decision of the Commission denying the enrollment of Mary Counsel, Sr., Rachel Counsel, Mary Counsel, Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattiw Vann, and James (Jenks) Vann, as Cherokee freedmen, be affirmed.

The record in this case is transmitted herewith.

Very respectfully,

W. H. Leupp,

Commissioner.

EMS-L.C....

D.C.44575

JYJr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.17180-1906.

October 2, 1906.

J.P.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On September 12, 1906 (Land 101428-06), the Indian Office submitted the record in the matter of the application for the enrolment of Mary Counsel, Sr., Rachel Counsel, Mary Counsel, Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattie Vann, and James (Jenks) Vann, as Cherokee freedmen, and recommended that the decision of the Commission to the Five Civilized Tribes of June 30, 1905, adverse to the applicants, be affirmed. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission is hereby affirmed.

The record in the case has been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

Through the Commissioner of Indian Affairs.
1 ins. and 2 for Ind. Of.

Cherokee R.
R. 44 et al.

Muskogee, Indian Territory, October 16, 1906.

William F. Rasmus,

Attorney for Mary Counsel, Sr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications of Mary Counsel, Sr., et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-46
LMC

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
R. 44.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 16, 1906.

Mary Counsel, Jr.,

Melvin, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, the application for the enrollment of your mother, yourself and sisters, Rachel, Beatrice and Annie, and brother, Jackson Counsel, as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

Respectfully,

Commissioner.

LMC

REFER IN REPLY TO THE FOLLOWING.
Cherokee F.
R. 44 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications of Mary Counsel, Sr., et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-48
LMC

6 JR44

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 12 1901

ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

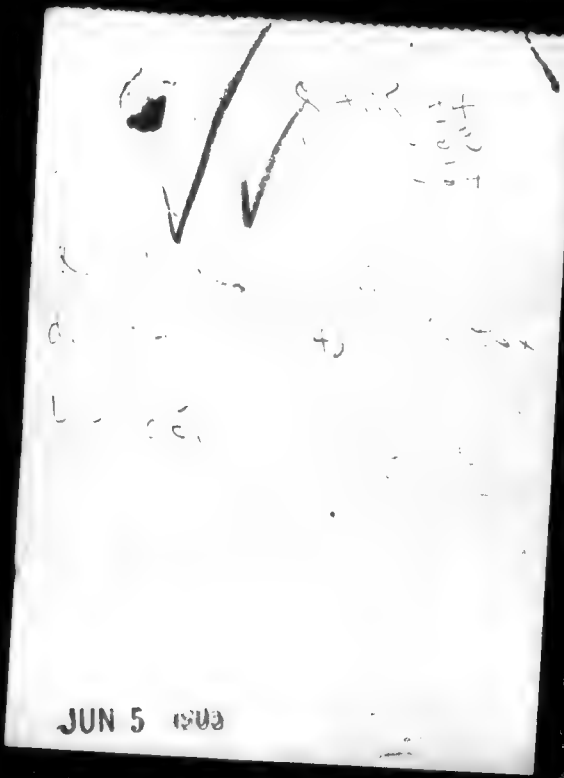
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft Gibson I.T. Sept 5 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Mary Lowrey et al for enrollment as Freedmen of the Cherokee Nation.

Wm. C. Rasmus.

No. FR 44.



JUN 5 1909

Cher R 45

Cher R 45

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T, April 13th, 1901.

In the matter of the application of Isaac Welch for the enrollment of himself as an inter-married Cherokee Freedman, and for the enrollment of his wife, Sadie Welch and his three children as Cherokee Freedmen. He being sworn by Commissioner T. B.Needles, testified as follows:

Q What is your name? A Isaac Welch.
Q What is your age? A 42.
Q What is your post office address? A Checotah.
Q What district do you live in? A Canadian.
Q Do you apply for enrollment as a Cherokee Freedman? A No, sir, only by intermarriage.
Q Who do you want to have enrolled besides yourself? A My wife and three children.
Q What is your wife's name? A Sadie.
Q What is her age? A 24.
Q What was her father's name? A Seymore Mathis.
Q Is he living? A No, sir.
Q What was her mother's name? A Nan Mathis.
Q Is she living? A Yes, sir.
Q What are the names of your children? A Daniel.
Q How old? A 11.
Q Next child? A Walter.
Q How old? A 9.
Q Next child? A Lula.
Q How old? A 7 going on 8.
Q Has your wife ever applied for enrollment as a Freedman of any other tribe of Nation? A No, sir.
Q Has she always been recognized as a Cherokee Freedman by the Cherokee authorities? A Yes, sir.
Q Is her name on the Cherokee rolls? A Yes, sir.
Q Is Sadie the mother of all these children? A Yes, sir.
Q Did she never go by any other name besides Mathis? A No, sir, not until she married me I don't think.
Q How long has your wife's father been dead? A 25 years.
Q Do you say that your wife's mother is not living? A Yes, sir, she is living.
Q Is she here? A No, sir, but we are looking for her here.
Q You say that you apply to be enrolled as an intermarried citizen? A Yes, sir.
Q Where were you born, Cherokee Nation? A Yes, sir.
Q You never did belong to a Cherokee citizen? A No, sir.
Q Where were you married? A Here at Fort Gibson.
Q Were you married according to the laws of the Cherokee Nation? A No, sir.
Q Did you draw Strip money? A Yes, sir, on Lightning Creek.

The Kerns Clifton roll of the Cherokee Nation examined and the applicants identified thereon as follows- page 53, No. 1319, Sadie Welch-nee Mackey, Canadian District.

Remark by Applicant- They called my oldest child Gertie and the next one Dupree for short.

The Kerns Clifton roll of the Cherokee Nation examined and the applicants identified thereon as follows: Page 53 No. 1320, Gertie Welch, Canadian District. Page 53, No. 1321, Walter Welch, Canadian District. Page 53, No. 1322, Lula Welch, Canadian District.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant himself not identified thereon.

Q Your wife is a colored woman is she not? A Yes, sir.
Q Only 24 years old? A Yes, sir.
Q You say your wife had a younger sister? A Yes, sir.
Q What was her name? A Ann.
Q Did your wife and her mother ever live in the Creek Nation?
A Yes, sir, used to live there a long time ago.

The 1880 authenticated roll of the Cherokee Nation examined and applicant's wife identified thereon as follows- Page 559, No. 1276, Sadie McKee, Illinois district.

The 1896 Census roll of the Cherokee Nation examined and none of the applicants identified thereon.

Q You say your wife's mother was known as Mackey? A Yes, sir, she used to go ~~him~~ by that name.
Q Did you ever have you wife and children enrolled on the roll of 1896? A Yes, sir, I think they was enrolled in Canadian district; think Stan Gray enrolled them.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Were these children all born and raised in the Cherokee Nation?
A Yes, sir.
Q Are they all alive and living with you now? A Yes, sir.
Q Are you the father? A Yes, sir, supposed to be.

By Com'r Needles,-

The name of Sadie Welch is found on the authenticated roll of 1880 as Sadie McKee, but is duly identified as the applicant, her mother having been at one time called Mackey. Applicant avers that said Sadie has three children by him named, Daniel, Walter and Lula, but their names are not found on the census roll of 1896; they are found on the Kerns Clifton roll. Said Isaac Welch being married to said Saide Welch. The said Sadie Welch and her children are all duly identified and make satisfactory proof as to reisdence, consequently they will be listed for enrollment as Cherokee Freedmen.
The said Isaac Welch applies for enrollment as an intermarried Freedman. He avers that he was never married according to the laws of the Cherokee Nation and his name is not found on any of the rolls of the Cherokee, consequently the application which he makes for his own enrollment will be rejected.

o o o o o

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me the 13th day of April, 1901, at Fort Gibson, I.T.

Tams Bixby

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 13 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 13 1901

Post Office Chacotah

District Canadian

1. Name Isaac Welch Age 42

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Holt Stenographer Van Weise Clerk

Rejected

Intermarried

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—188,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Chaggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kesser Lawrence,
Thomas B. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Wann,
John Scott,
Nancy Ross,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kissie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellis Warren,
Millie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Lorkin P. Powell,
Stepney Dawn,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—382,
Cherokee Freedmen D—406,
Cherokee Freedmen D—411,
Cherokee Freedmen D—420,
Cherokee Freedmen D—421,
Cherokee Freedmen D—425,
Cherokee Freedmen D—426,
Cherokee Freedmen D—444,
Cherokee Freedmen D—455,
Cherokee Freedmen D—473,
Cherokee Freedmen D—474,
Cherokee Freedmen D—486,
Cherokee Freedmen D—490,
Cherokee Freedmen D—493,
Cherokee Freedmen D—495,
Cherokee Freedmen D—501,
Cherokee Freedmen D—513,
Cherokee Freedmen D—514,
Cherokee Freedmen D—520,
Cherokee Freedmen D—545,
Cherokee Freedmen D—546,
Cherokee Freedmen D—550,
Cherokee Freedmen D—552,
Cherokee Freedmen D—573,
Cherokee Freedmen D—584,
Cherokee Freedmen D—588,
Cherokee Freedmen D—608,
Cherokee Freedmen D—650,
Cherokee Freedmen D—665,
Cherokee Freedmen D—667,
Cherokee Freedmen D—674,
Cherokee Freedmen D—691,
Cherokee Freedmen D—693,
Cherokee Freedmen D—696,
Cherokee Freedmen D—699,
Cherokee Freedmen D—733,
Cherokee Freedmen D—736,
Cherokee Freedmen D—736,
Cherokee Freedmen D—741,
Cherokee Freedmen D—742,
Cherokee Freedmen D—743,
Cherokee Freedmen D—753,
Cherokee Freedmen D—758,
Cherokee Freedmen D—760,

Samuel L. Young,
John Buckner,
Willis Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irven,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Rose,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Dackman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masir,
George Adams,
Annie Thomas,
Lewis McCannell,
Callie Mann,
Lon Peters,
Ida Adair,
Robert Rivers,
Allie Chambers,
Isaac Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—926,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—967,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 66,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 85,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—101,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark, Cherokee Freedmen R-108
Emily Looney, Cherokee Freedmen R-110
John Grotts, Cherokee Freedmen R-112
Matilda McNair, Cherokee Freedmen R-117
Bettie Vann, Cherokee Freedmen R-122
Nelson Lee, Cherokee Freedmen R-125
Fannie Rogers, Cherokee Freedmen R-129
William Washington, Cherokee Freedmen R-131
Squire Watson Owens, Cherokee Freedmen R-142
Fannie Goldsby, Cherokee Freedmen R-144
Susan Daniels, Cherokee Freedmen R-146
Anderson Turk, Cherokee Freedmen R-148
David Lutz, Cherokee Freedmen R-156
Felix McClain, Cherokee Freedmen R-165
Henderson Jones, Cherokee Freedmen R-172
Belle Vann, Cherokee Freedmen R-183
Leah Stroud, Cherokee Freedmen R-190
John Sumpter, Cherokee Freedmen R-191
Mariah Thompson, Cherokee Freedmen R-1320
Ellen Sheppard, Cherokee Freedmen R-1327
Lula Melton, Cherokee Freedmen R-1347

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by Sallie Rider for his wife, Sallie Rider; by Easton Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William [illegible] for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ella Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard [illegible] Watson; by Jack McConnell for himself; by Minnie Markey for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Ada Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mamah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Maty Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Rose for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hanchig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by Ridg David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Greene for her husband, John Greene; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lott for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skagge, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webben, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen

R-45.

Muskogee, Indian Territory, January 24, 1905.

Isaac Welch,

Chegetah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. R-74.
Register.

COPY.

Cherokee Freedmen
3-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Watson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Ellis, William S. Maddux, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Nutsle, Malvina Alberty, Dave Morris, Mississippi Chaggett, Amanda Martin, Eliza Martin, John B. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Kendall Bunker, George Reed, Sr., Buell Lockman, Bell Thompson, Lewis Scott, Ona Smith, Minnie Hampton, Thomas K. Allen, Lewis Vanderford, John S. Hopkins, Nellie Taylor, Charles Williams, John J. Rose, Jane Hopkins, Rena Patterson, Alex Stinnett, Martha Vann, John Smith, Henry Ross, Stephen S. Smith, Annie Gilbert, William Skaggs, Susie Johnson, Mitred P. Hopkins, Minnie Vann, Freddie Bryant, Lena

Chouteau, Alice Durant, Nahaley Ward, Fred D. Thomas, Nettie Beck, Ellis Warren, Willie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lucien P. Powell, Stephen Mann, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Gee, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Ware, Emma Ware, Ella Rose, Elizabeth Jumper, Sadie Adams, Georgeann Archer, John Claggett, Hettie Smith, Jack Jackson, Lula Sanders, George Hamilrig, Laura Vann, Martin French, Mary Johnson, Maggie Vann, William Hutson, Sarah Rogers, Abraham Ballard, Laura David, John Benbrook, Jane B. Perry, Isaac Welch, Lawson Logan, George Hassell, Henry Hicks, George Adams, Amelia Thomas, Lewis McDonald, Callie Vann, Lyle Foberg, Ida Adair, Robert Brown, Allie Chambers, Lena Jones, Alice Hunter, Annie Adair, Carrie Martin, Benjamin Clay, Billy Looney, John Groves, Matilda McNair, Hattie Vann, Nelson Lyle, Fannie Rogers, William Washington, Squire Warren Grant, Fannie Goldsby, Emma Daniels, Anderson Tyner, David Lane, Pinkie McClain, Henderson Jones, Lydia Vann, Lyda Shroud, John Bumpass, Moffett Thompson, Ellen Sheppard and Lula Nichols, as Cherokee citizens by intermarriage.

The decision, together with the rolls of persons had in the same, has this day been transmitted by the Secretary of the Interior for his review and decision. The names of the

[redacted] will be very glad to see us when we [redacted] at [redacted] of the year.

[redacted],

SIGNED. Jane Bixby.

[redacted],

[redacted], 1-0,

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Meltch, John Watson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Mallie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Gilberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Frank McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas K. Allen, Lewis Vanderford, John L. Fowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Nettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samual L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Necma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Kasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellan Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Beam, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thomas, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Devlin, Katie Davis, Charles Williams, John J. Rowe, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rhea, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dann, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Rose, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1924 (I. T. D. 3848-1924) in the Lemmel Wolcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.M.M.
W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF
FHE.

I.T.D. 2904-1905
D.C. 20877-1905.
LRS

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John B. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas B. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley War d, Fred D. Thomas, Bettie Rock, Willis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Wann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washing ton Land, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Rose, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smithm Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Wel ch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Sunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Grove s, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jone s, Belle Vann, Levi Stroud, John Sumpter, Marish Thompson, Miles Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

R-45.

Muskogee, Indian Territory, April 28, 1905.

Isaac Welch,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D 14, et al.

Muskogee, Indian Territory, April 26, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

CHEROKEE NATION

IN THE MATTER OF THE APPLICATION OF

Isaac Welch

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apl. 13-01

B Mem. of application Apl. 13-01

Copy of testimony filed with Cherokee Nation,

Dec. 1-1

Ten Cherokee Freedmen

Docket # 470

Cher Fr R 46

Cher Fr R 46

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 16, 1901.

In the matter of the application of Georgia Foreman for the enrollment of herself and two children as Cherokee Freedmen.

Georgia Foreman, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Georgia Foreman.
Q How old are you? A 26 years old.
Q What is your postoffice? A No wata.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself?
A Myself and two children.
Q Ho wlong have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A George Goldsby.
Q Is he dead? A Yes sir.
Q Howwlong has he been dead?
A I don't know exactly, 10 or 12 years.
Q Was he a Cherokee Freedman? A No sir.
Q Give me the name of your mother? A Her name is Ellen Lynch now.
Q She is living then? A Yes sir.
Q What was your mother's name back in 1880?
A Ellen Beck; Ellen Goldsby was her name when she married my father.
Q Was she still a Goldsby in 1880? A Yes sir.
Q How long has she been married to her husband Lynch?
A Eight or nine years.
Q You have been married haven't you? A Yes sir.
Q How many times? A Twice.
Q To whom were you married the first time? A Mose Brown.
Q Is he living? A No sir.
Q When did you marry him? A About 12 years ago.
Q How long has he been dead? A He has been dead 6 years.
Q Was he a Cherokee freedman? A Yes sir.
Q Give me the name of your second husband? A John Foreman.
Q Is he alive? A Yes sir.
Q Is he living with you now? A Yes sir.
Q Is he a Cherokee freedman? A Yes sir.
Q Why don't you apply for him? A He will enroll for himself.
Q Has he already enrolled?
A No sir, he is coming in when his mother comes down to-day.
Q Where is he?
A He is here on the ground or else at the shop in town.
Q He expects to apply for himself? A Yes sir.
Q When did you marry John Foreman?
A I married him about four years ago.
Q Give me the name of your children? A Gertrude and Marcus.
Q Gertrude Foreman? A Gertrude Brown.

Q How old is that child? A She is 11 years old.
Q Give me the name of the next child? A Marcus Trainor.
Q How old is that child? A 5 years old.
Q Were you ever married to a man named Trainor? A No sir.
Q Is that your own child? A Yes sir.
Q Not an adopted child?
A No sir, he was enrolled on the Schrimsher roll as Trainor.
Q How old is your husband, John Foreman?
A He is 27 I believe, or 28 this coming fall.
Q Give me the name of his father? A Harrison Foreman.
Q Is he dead? A No sir.
Q Give me the name of your husband's mother? A Caroline Foreman.
Q Is she dead? A No sir.
Q Has your husband lived in the Cherokee Nation all his life?
A Yes sir.
Q Are these two children both living now that you have given me here
A Yes sir.
Q Do you want your child Marcus Trainor enrolled under your present name, or that of Foreman or Brown?
A I would rather they would put it the same.
Q Your name was Brown at the time that child was born? A Yes sir.
Q Your mother was named Beck before she was named Goldsby, was she?
A Yes sir.
Q And she kept the name of Beck when she enrolled in 1880?
A Yes sir.
Q Then you are on the roll of 1880 as Georgia Beck? A Yes sir.

The 1880 authenticated roll of Cherokee freedmen examined and the applicant identified thereon, page 512, No. 309, Illinois district, as Georgia Ellen Beck; no age or nationality given.
John Foreman on 1880 Cherokee roll page 697, No. 535, Sequoyah district, as Johnie Foreman, natice Cherokee; note on roll opposite his family, "From reliable information this family are of negro descent."

Q What was your name in 1896?
A It was Brown, my mother enrolled me then.

The 1896 census roll of Cherokee freedmen examined, and the applicant identified thereon, page 397, No. 47, Cooweescoowee district, as Georgia Ellen Beck.

Q You have an "E" in your name, haven't you? A Yes sir.

Gertrude Brown on page 397, No. 47 Cooweescoowee district as Girtrude Brown; Marcus Brown on page 421, No. 579, Cooweescoowee district, as Mart Trainor; John Foreman on page 403, No. 151, Cooweescoowee district; (Maud Brown, on 1896 roll, enrolled with Ellen Lynch.)

Q What has become of that child Mattie Foreman?
A Her people has Mattie, that isn't my child.
Q Her people will enroll that child?
A Yes sir, or he will, I don't know which.
Q Who is this child Mattie living with?
A It is living close to Tulsa, but I dont know just who with; some of its mother's people; I haven't seen it since it was about six or seven years old; I think it's father means to enroll it.

James S. Davenport, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A James S. Davenport.
Q How old are you? A 36 years.
Q What is your postoffice? A Vinita.
Q You are one of the representatives of the Cherokee Nation in the Council? A Yes sir.
Q Do you know this woman, Georgia E. Foreman?
A Yes sir, I know her.
Q How long have you known her?
A I have known her about 8 or 10 years, something like that.
Q Do you know of her ever having been married to a man named Brown?
A I know it was represented that they was married, and they lived and always went by the name of Brown; I know it was reported that she and Brown married.
Q Prior to the time she married Foreman? A Yes sir.
Q What name did she have before she married Brown?
A Well, I never knew her before she married Brown, but her mother went by the name of Goldsby or Beck, either one.
Q She could have been enrolled as Goldsby or Beck? A Yes sir.
Q How about her having a child before she married Foreman and after she lived with Brown?
A Yes sir, she had a child, I remember she was at a trial at Claremore when the baby was an infant, and only one or two months old, along in 1895 or the latter part of 1896.
Q What did she call that child?
A The father was represented to be a man named Trainor; she was Georgia Brown herself when it was born.
Q She gives in the name of that child as Marcus Trainor, and says that is is her child and she wants it enrolled under the name she bore at the time it was born, namely Brown?
A She has the child at that time, there is no doubt about it.
Q You believe this is her child?
A She has it nursing at that time; she represented it to be her child.
Q It was represented and recognized as her child? A Yes sir.

Commissioner Breckinridge: The applicant applies for the enrollment of herself and two children, and in the course of the application it is considered advisable to include the application also of her husband.

The applicant is identified on the rolls of 1880 and 1896, on the first roll without a statement of nationality, and on the latter roll as a Cherokee freedman, which classification she claims. Her changes of name arising from marriage are explained in a satisfactory manner by her own and other personal testimony; she is said to have lived in the Cherokee Nation all her life, and she will now be listed for enrollment as a Cherokee freedman. Her husband, John Foreman, is identified on the roll of 1880 as a Cherokee, with a memorandum stating that he is believed to be a freedman, and he is on the roll of 1896 as a freedman. He is said to have lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee Freedman. The Child Gertrude Brown is identified on the roll of 1896, is living and will be listed for enrollment as a Cherokee Freedman. The child Marcus Brown is identified on the roll of 1896 as Marcus Trainor. It is shown in a satisfactory manner that it is the natural child of the applicant, and she desires that the child be enrolled under the name that she bore at the time it was born. It is living and this child will not be listed for enrollment as a

Cherokee freedman under the name of Marcus Brown.

-:----------:-

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 16th of April, 1901.

(signed) T. B. Needles.

Commissioner.

-:---------- :-

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing and that the same is a true and correct copy of the original.

Bruce C. Jones

Sworn to and subscribed before me this 25th day of January, 1904.

Edward Merritt.

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 16, 1901.

In the matter of the application of John Foreman for the enrollment of his child, Mattie Foreman, as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A John Foreman.
Q How old are you? A 27.
Q What is your postoffice? A Nowata.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to enroll; a child? A Yes sir.
Q You have been enrolled yourself? A Yes.
Q What is the name of your child? A Mattie Foreman.
Q How old is the child? A Seven years old.
Q This child living now, is it? A Yes sir.
Q Where is the child living? A She lives near Tulsa, in Cooweescowee District.
Q Not living with you? A No sir.
Q With some of your kin folks? A Yes sir.
Q Give me the name of the mother of this child? A Maggie Foreman.
Q She's dead is she? A Yes sir.
Q How long has she been dead? A Four years.
Q How old was she when she died? A 22, I believe.
Q How many times was she married? A One time.
Q Just to you? A Yes sir.
Q What was the name of her father? A Allen Haines.
Q Is he dead? A Yes sir.
Q Give me the name of her mother. A I don't know her mother's name.
Q She's dead too, is she? A Yes sir.
Q When were you and your wife, Maggie married? A Its been eight years ago.
Q She was a Cherokee Freedman herself? A No sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Who here knows that you were married to this woman, Maggie?
A I don't see anybody that knows.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 697, No. 535, Johnie Foreman, Sequoyah District.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicants are found thereon as follows:
Page 403, No. 151, John Foreman, Cooweescoowee District.
Page 403, No. 152, Mattie Foreman, Cooweescoowee District.

Applicant states: I want to correct my testimony-
Q You want to correct your testimony? A Yes sir.
Q I understand you to say now that Maggie Haines is not the mother of this child? A She was the mother of this child, but not my wife.
Q Who was your wife at that time? A Beckie Low.
Q Then you weren't really married to Maggie Haines? A No sir.
Q You never were lawfully married to Maggie Haines? A No sir; I was married to Beckie Low.

The applicant applies for the enrollment of a child, Mattie Foreman, age given as seven years. In the course of his testimony, he develops that the mother of this child was not his wife, nor was she a Cherokee citizen; his wife at the time the child was born was one Beckie Low, and the mother of the child, Maggie Haines, who he states was not a Cherokee citizen. The child is identified on the roll of 1896, and is living now, but inasmuch as there was not a marriage of any

any character between the father and mother of the child, the application for the child's enrollment is listed for rejection. The father is duly identified on the rolls of 1880 and 1896, and has already been enrolled, but his right of citizenship is not considered to descend to,this child; it being born out of wedlock.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. P. Rotheabarger

Subscribed and sworn to before me this 17th day of April, 1901.

Commissioner.

Cherokee Freedmen R-46.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Foreman as a Cherokee freedman.

O R D E R

It is ordered by this Commission that the proceedings had at Fort Gibson, Indian Territory, on April 16, 1901, in the matter of the application of John Foreman et al., for enrollment as Cherokee freedmen, be filed with and made a part of the record in this case.

Commissioner.

Muskogee, Indian Territory,
this January 25th, 1904.

Cherokee Freedmen R-46.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Foreman as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on April 16, 1901, John Foreman appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of Mattie Foreman as a Cherokee freedman. Proceedings had at Fort Gibson, Indian Territory, on April 16, 1901, in the matter of the application of John Foreman et al., for enrollment as Cherokee freedmen, are filed with and made a part of the record herein.

The evidence shows that John Foreman is a Cherokee freedman and identified on the Cherokee authenticated roll of 1880. It is further shown that the applicant, Mattie Foreman, is his minor child by one Maggie Haines, a non-citizen.

The evidence further shows that John Foreman has lived in the Cherokee Nation all his life and it is considered that the minor applicant has lived therein continuously since birth.

It is, therefore, the opinion of this Commission that, following the decision of the Department in the case of Allie J. Ross et al., (I.T.D. 3039, 3043-1902), Mattie Foreman should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

Chairman.

T. B. Needles

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

Commissioner.

this APR 2 1904

M89

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, January 27, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There are herewith enclosed a copy of the testimony in the application of Georgia Foreman et al., for enrollment as Cherokee freedmen, together with a copy of the Commission's order making this testimony a part of the record in Cherokee freedmen R 46, Mattie Foreman; also a copy of the testimony in the application of Martha Setser et al., for enrollment as citizens of the Cherokee Nation, together with a copy of the Commission's order making this testimony a part of the record in Cherokee D 885, Lizzie Rogers et al.

Respectfully,

Enc. D-67.

Commissioner in Charge.

7109

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-46.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of John Foreman for the enrollment of Mattie Foreman as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-22.

Chairman.

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN.

R48

IN THE MATTER OF THE APPLICATION OF

Mattie Foreman

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apl. 16. '01

B. Mem. of application Apl. 16-'01

Cher Fr R 47

Cher Fr R 47

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 16th 1901.

In the matter of the application of Laura Garlington, for the enrollment of herself and her four children as Cherokee Freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Laura Garlington.
Q What is your age? A. 30.
Q What isyour post office address? A. Claremore.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you want to enroll anybody besides yourself? A. I have four children.
Q You apply then for yourself and four children? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A. Sam Meigs.
Q Is he dead? A. No sir.
Q Give me the name of your mother? A. Manda Meades now.
Q Is she alive? A. Yes sir.
Q Is she living with your father? A No sir.
Q They have parted have they?A. Yes sir.
Q And is she now married to a man named Meades? A. Yes sir.
Q You have been married have you? A. Yes sir.
Q How many times? A. Twice.
Q To whom were you married the first time? A. William Day.
Q Is he dead or alive? A. He is alive.
Q When did you marry him? A. Dont know exactly what year
Q About when? A. About 15 years ago.
Q How long did you and him live together? A. About 10 years.
Q And then you separated? A. Yes sir.
Q Is he a Cherokee Freedman? A. No sir he is a state man.
Q Then you married another man? A. Yes sir.
Q Give me his name? A. John Garlington.
Q He is alive now is he? A. Yes sir.
Q When were you married to him? A. Two years ago in May.
Q Is he a State man too? A. Yes sir.
Q You make no application for him? A. No sir.
Q What are the names of your children? A. Andrew Day.
Q How old? A. 15.
Q Next child? A. Ella Day.
Q How old? A. 11
Q Next child? A. Lana Day.
Q How old? A. 8.
Q Next child? A. Clarence Day.
Q How old? A. 5.
Q Are these children all alive now? A. Yes sir.
Q Do they live with you?m.A They is staying with my mother going to school.
Q Did you ever go by any other names besides he ones you have given?
A No sir always went by the name of Meigs until I married.
Q Who did you live with after your father and mother separated? A. With my mother.

The Kerns-Clifton roll of the Cherokee Nation examined and the applicants identified thereon as follows:
Page 114, #2839, Laura Meig, Tahlequah district.
Page 114, #2840, Andrew Day, Tahlequah district.
Page 114, #2841, Ella Day, Tahlequah district.
Page 114, #2842, Lena Day, Tahlequah district.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the alleged father of he applicant Laura Garlington, identified thereon as follows:
Page 784, No. 1456, Sam Meigs, Tahlequah district.

The 1880 authenticated roll of the Cherokee Nation ex-

amined and the applicants not identified thereon.

The 1896 census roll of the Cherokee Nation examined and the applicants not identified thereon.

Q How old is your father now? A. I dont know sir.
Q Was your father ever married before he married your mother? A. I dont know.
Q Was your mother ever married before she married your father? A. No sir, not as I knows of.
Q Does your mother claim to be a Cherokee Freedman? A. No sir.
Q She is from the outside is she? A. Yes sir.
Q But your father is a Cherokee Freedman? A. Yes sir.
Q Where were you born? A. In Sequoyah district is what my mother says
Q Didnt your father take up with your mother in Arkansas? A. Not as I knows of----in the Nation I think.
Q Can you produce any evidence to show thatyour mother was ever married to your father? A. I dont know.

By Cherokee Representative James Davenport-

Q Did you apply to the Kerns-Clifton Commission to be enrolled in 1896? A. Where was that? A. The Commission that Mr. Hastings and Mr. Thompson represented the Cherokee Nation before and where Mr Clifton and Mr. Kerns were the Commissioners? A. I never have enrolled but twice, the Wallace roll and the roll for the payment.
Q Well that is the roll I mean? A. Yes sir.
Q Was your name Day then or Meigs? A. They put it down as Meigs and my children down as Day.
Q Where was your mother brought up? Where was she born, in Arkansas? A I dont know. She says that she has no right.
Q Your mother never claimed any right for herself? A. No sir.
Q Where were you and William Day married?A. Just below Fort Smith
Q What were you doing there? A. I was with Mamma, she was working there and I was on a visit.
Q You never made your home ofer there? A. No sir.

By Cherokee Representative W. W. Hastings:

Q How long did you live in Arkansas after you married? A. No time
Q You have been living in the Cherokee Nation ever since you were married? A. Yes sir.
Q In Sequoyah district? A. Yes sir.

COLUMBUS LASLEY, called and sworn as a witness, testified as follows

Q What is your name? A. Columbus Lasley.
Q How old are you? A. 55.
Q What is your post office? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant here , Laura Garlington? A.I has known her for the last six or seven years.
Q Is she any kin to you? A. No sir not that I knew of.
Q Do you know her father? A. Yes sir.
Q What is his name? A. Sam Meigs is said to be her father.
Q Do you know her mother? A. Yes sir.
Q What is her name? A. Mandy Meigs now.
Q How long have you known Sam Meigs? A. I have known him for about

thirty years I guess.
Q Do you know whether he and Manda Meades were ever married? A. No sir I dont know.
Q Do you know whether she ever lived with him as his wife? A. He says not, I dont know it myself.
Q This woman is said to be a daughter of Manda Meades and Sam Meigs is said to be her father? A. Yes sir.
Q Your understand is that she is not the daughter of them by marriage? A. That is what he father says.
Q Have you heard of her being married to William Day? A. Yes sir.
Q What is her name now? A. I dont know.
Q Do you know a man named Garlington? A. I dont know him.
Q She claims to have married Garlington two years ago? A. I dont know anything about it
Q But you have heard of her living with William Day as his wife?
A Yes sir.

L. D. DANIELS being called and sworn by Commissioner Breckinridge, as a witness, testified as follows:

Q What is your name? A. L. D. Daniels.
Q How old are you? A. 56.
Q What is your post office? A. Claremore.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, Laura Garlington? A. Yes sir she lives up there close to me.
Q She is married to a man named Garlington is she? A. They are living together up there as man and wife.
Q What was her name when she married Garlington? A. I dont know.
Q Did you ever know her as Day? A. I did not, she was living in around Tahlequah; I know her father.
Q Did you know her father back a good many years ago? A. Yes sir.
Q How long ago? A. Ever since 1868.
Q Did you know her mother Manda Meades now? A. No sir.
Q Did you ever hear of her father being married to a woman named Manda? A. I dont remember the name, but I heard of him in Sequoyah of having some woman there, but I dont remember the nme.
Q Dont know anything of his having lived with a woman named Manda? A It has been a good while and I dont remember. I dont know for I left those parts in '75.
Q You never heard of him being married to a woman called Manda before 1875? A. No sir.

MOSE ROSS, being called and sworn as a witness by Commissioner C. R Breckinridge, testified as follows:

Q What is your name? A. Mose Ross.
Q How old are you? A. 40.
Q What is your post office? A. Tahlequah.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant here, Laura Garlingtom? A. Yes sir I know her for 7 or 8 years.
Q What was her name when you first knew her? A. Day.
Q Do you know her as Garlington now? A. She has changed it since she lived here.
Q But this is the same woman that you know as Laura Day? A. Yes sir
Q Do you know her father? A. Yes sir.
Q Was he any kin to you? A. Yes sir my half brother.
Q His name is Sam Meigs? A. Yes sir.
Q Did you know her mother? A. Yes sir.

Q Is Sam Meigs your brother through your mother or your father? A. Through my mother.
Q You have kept acquainted with your half brother Sam Meigs pretty much all your life haven't you? A. Yes sir.
Q He lived in Arkansas a while didnt he? A. He may have.
Q How many times has he been married? A.Once.
Q When was that? A. About 20 years ago I reckon.
Q How old a man is he? A. About 57.
Q Did you ever hear of him living with a woman named Manda? A. No sir I never heard of him living with her.
Q This woman is a daughter of Manda Meades is she not? A. That is what I implied from what my brother said.
Q And your brother Sam is her father? A. I believe he is said to be.
Q You have no knowledge of your brother and this woman's mother being married? A. They never was according to the conversation I had with him.

By Com'r Breckinridge,-

The applicant applies for enrollment for herself and four children. She is not identified on the rolls of 1880 or 1896, though she states thatshe has lived in the Cherokee Nation all her life except on short visits outside of the Nation and into the State of Arkansas. There is nothing of this character thatappears to invalidate her claim to citizenship, but she is of ~~affinis~~ sufficient age to be on the roll of 1880, from which she has been omitted. Her father, Sam Meigs is identified on that roll, but her mother, now known as Manda Meades, is not identified on any roll. The applicant herself is on the Kerns-Clifton roll, but itappears conclusively from he etidence of the half brother of Sam Meigs,the applicants father, as well as other evidence set forth in full, that the applicant's father and mother were never married, and doubtless it was for his reason that she was never admitted to the roll of 1880 or to the roll of 1896. Under these conditions her application for enrollment at this time is not considered to be established and she will be listed for rejection as a Cherokee Freedman. Personal testimony identifies her through her changes of name ~~arisin~~ arising from her marriages as stated by her. Of the four children whose names are given in her testimony, the first three are identified on the Kerns-Clifton roll; the youngest is probably too young to be on any roll and he is not found on any roll. She is desired to supply the Commission with satisfactory proof of its birth. But all four of these children cannot possess any right not possessed by their mother, their father being a non citizen, as shown in he testimony, and these children, who are ofher first marriage, and bear the name of her first husband, Day, will be classed as Cherokee Freedmen, but the application for heir enrollment is listed for rejection.

+ + + + + + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Laura Garlington S.

Chas. Wright

Subscribed and sworn to before me this the 17th of April, 1901, at Fort Gibson, I. T.

Commissioner.

Cherokee Freedmen R 47.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura Garlington for the enrollment of herself and her minor children, Andrew, Ella, Lena and Clarence Day, as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on April 16, 1901, Laura Garlington appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her minor children, Andrew Day, Ella Day, Lena Day and Clarence Day, as Cherokee Freedmen.

The evidence shows that the applicant, Laura Garlington, was born since 1866, and is a daughter of Sam Meigs, a Cherokee Freedman, who is identified on the 1880 authenticated Cherokee roll. It is presumed from this enrollment that the Cherokee Nation recognized that the said Sam Meigs complied with the terms of the treaty of 1866.

It further appears that the other applicants herein were born since 1880 and are the minor children of said Laura Garlington. The evidence further shows that the said Laura Garlington has resided in the Cherokee Nation all her life, and it is considered that her said minor children have always lived with her in said Nation.

It is, therefore, the opinion of this Commission that Laura Garlington, Andrew Day, Ella Day, Lena Day and Clarence Day should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles.
Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JAN 3 1902

1109

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-47.

Muskogee, Indian Territory, January 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 2, 1904, granting the application of Laura Garlington for the enrollment of herself and her four minor children, Andrew, Ella, Lena and Clarence Day, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be onsidered final.

Respectfully,

Chairman.

Enc. H-12.

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN.

47

IN THE MATTER OF THE APPLICATION OF

Laura Garlington et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Original Testimony 7/16-01

Memo of application 7/16-01

Letter to Council

Day

Cher Fr R 48

Cher Fr R 48

Rejected, Memo., as to husband, Lawson Logan.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 16, 1901.

In the matter of the application of Nancy Logan for the enrollment of herself, her husband and three children as Cherokee Freedmen.

Nancy Logan, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Nancy Logan.
Q How old are you? A I don't know my age, about 50 I reckon.
Q What is your post office? A Gann.
Q In what district do you live? A Sequoyah .
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A My children.
Q How many children? A I have got seven.
Q They are all living now, are they? A Yes, sir.
Q All of the under 21 years of age? A No, sir.
Q Are some of the ~~under~~ 21? A Yes, sir.
Q How many? A Six.
Q Six over 21? A There are three over; they are all over except some little ones.
Q You will apply then for four children and then those three that are more than 21 will have to apply for themselves; now these four younger children, are they married? A No, sir; there are three of them unmarried, and the other one is married.
Q So you have got three children unmarried and under 21? A Yes,sir.
Q So you will apply for three? A Yes, sir.
Q You don't apply for a husband? A Yes, sir.
Q You apply for yourself, your husband and three minor unmarried children? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.
Q You have lived here all your life, have you? A Yes, sir.
Q Give me the name of your father? A I don't know my father's name, he died when I was small.
Q Give me the name of your mother? A My mother died when I was small.
Q How many times have you been married? A I have been married three times.
Q To whom were you married the first time? A Feelin Jones.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q How long has he been dead? A Well he has been dead quite a while, I can't tell just exactly how long.
Q More than 20 years? A Yes, sir.
Q Who was your second husband? A Joshua Caldwell.
Q Is he dead? A No, sir, he is living.
Q Is he a Cherokee Freedman? A No, sir.
Q Give me the name of your third husband? A Lawson Logan.
Q Whatwwas your name when you married Feelin Jones? A Nancy Benge.
Q That was your name when a girl? A Yes, sir, Nancy Benge.
Q When did you marry Lawson Logan? A I married him five years ago.
Q He is living now, is he? A Yes, sir.
Q Is he a Cherokee Freedman? A No, sir, a state man.
Q Did he get out a Cherokee license when he married you? A Yes, sir, I reckon; his license came from Muskogee.
Q He got a United States license? A Yes, sir, they came from Muskogee, and of course he had to send them back to Muskogee after I and him married.
Q So he got a United States license? A Yes, sir.
Q And he didn't marry you then under a Cherokee license, but he married you under a United States license. That wouldn't give him any

right to enrollment. Give me the names of these three children, the younger children, that are not married? A Charles Jones.

Q How old is he? A He is 20.

Q What is the next child? A Rena Caldwell, 10 years old.

Q Now the next child? A Sallie Caldwell.

Q How old is that child? A 8.

Q That is all? A Yes, sir.

Q Are these children all living now? A Yes, sir.

Q Who is the father of this child named Rena Caldwell? A Joshua Caldwell.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant, Nancy Logan, identified thereon, page 704, No. 698, Sequoyah district, as Nancy Jones.

The Kerns-Clifton pay-roll examined, and the applicants identified thereon as follows:

Nancy Logan on page 96, No. 2397, Sequoyah district, as Nancy Jones;

Rena Caldwell on page 96, No. 2400, Sequoyah district, as Cortine Jones;

Q What is this child's name? A Corrine.

Sallie Caldwell on page 96, No. 2401, Sequoyah district, as Sallie Jones.

The 1896 census roll of Cherokee Freedmen examined, and none of the applicants identified thereon, except Charles Jones, page 1134, No. 86.

Q How comes it you and your children are not on the roll of 1896?

A I don't know, sir.

Q Do you remember giving in your name? A Yes, sir.

Q Since the Kerns-Clifton roll? A Yes, sir, I have in my name on all the rolls.

Q Is there anybody here now who knew you before you married your husband Jones, and knows that you were called Caldwell, and that your name is Logan now? A Yes, sir.

****

Andy Crossland, being duly sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your full name? A Andy Crossland.

Q How old are you? A 74.

Q What is your post office? A McKey.

Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation and been here all the time.

Q Do you know this woman here, Nancy Logan? A Yes, sir, that is my first cousin.

Q What is the name of her present husband? A Jones.

Q Is her husband named Jones now? her present husband? A His name is Logan now.

Q Lawson Logan? A Yes, sir.

Q Was she married twice before that? A Yes, sir, she married twice.

Q What was her name when she married Logan; you dont remember what her second husband's name was? A Caldwell.

Q Then she had a husband before that? A Well, that is the first one, Jones.

Q Now she has some children, has she, that are the children of her first husband Jones? A Yes, sir.

Q And she has some children by her second husband, Caldwell?

A Yes, sir.

Q Do you remember the names of these children: what is the name of the youngest of the Jones children? A Charles Jones.

Q And what are the names of the Caldwell children? A The oldest one is Nancy Mary.

Q Has she got any other name; how many Caldwell children are there?
A Three.
Q Is she still living? A Yes, sir.
Q She is married, isn't she? A Yes, sir.
Q Well now give me the names of the two younger Caldwell children?
A I think one is named Sallie.
Q And then the second one is what? A I never noticed what is its name.
Q What would you call her if you met her; how old is the one above Sallie; is Sallie the youngest? Yes sir, Sallie is the youngest.
Q About how old is Sallie? A Looks like about 10 years old.
Q And the next one is about how old; just a little older than Sallie? A Well, looks like it; I never noticed them.
Q Did you ever hear the child, the older one, called Corrine or Anna? A Well that is Sallie's sister.
Q Corrine is the sister of Sallie? A Yes, sir.

Commissioner Breckinridge: The applicant applies for the enrollment of herself, her husband and three minor children. The applicant is identified on the roll of 1880 and on the Kerns-Clifton roll. She is not identified on the roll of 1896, but stated that she ought to be on that roll, claims that she gave in her name, and states that she has lived in the Cherokee Nation all her live. Her changes of name arising from marriage are accounted for in a satisfactory manner by her own and other personal testimony, and she will now be listed for enrollment as a Cherokee Freedman. Her husband, Lawson Logan is, she states, not a Cherokee Freedman, but a state freedman, an she further testifies that he married her under a United States license. He is not identified on the roll of 1896, and it is considered under the testimony that he had no standing which gives the Commission jurisdiction in his case, and therefore only a memorandum will be made of his application, and he will be listed for rejection for lack of jurisdiction. The decision of the Commission when finally rendered will be communicated to the Secretary of the Interior and if he approvesof the same that will be final in the case. The applicant's oldest child for whim application is now made is the child of her first husband, and this child, Charles Jones, being duly identified on the roll of 1896 and now living, will be listed for enrollment as a Cherokee Freedman. The two younger children, Corrine and Sallie Caldwell, are children of her second husband. They are identified on the Kerns-Clifton roll, are now living, and in view of the status of their mother they are considered entitled to enrollment and will be now listed for enrollment as Cherokee Freedmen.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of April, 1901.

Commissioner.

B. L. F. #48

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 17 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 16 1901

Post Office Gann, I.T.

District Sequoyah

1. Name Lawson Logan Age 60

Owner's name Mr. Logan (North Carolina) Citizenship

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Nancy Logan (wife of Ind) Stenographer B. C. Jones

Rejected

See Cherokee Freedman Card # 493

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 59,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D— 100,
Frances Melton,	Cherokee Freedmen D— 110,
John Dotson,	Cherokee Freedmen D— 111,
Mary Jane Vann,	Cherokee Freedmen D— 115,
Thomas Lowe,	Cherokee Freedmen D— 119,
Ella Mayfield,	Cherokee Freedmen D— 132,
Sarah Rider,	Cherokee Freedmen D— 147,
Reuben Campbell,	Cherokee Freedmen D— 167,
Van Jackson Luther,	Cherokee Freedmen D— 174,
Cassie Midleton,	Cherokee Freedmen D— 178,
Mary Harris,	Cherokee Freedmen D— 179,
Nellie Fields,	Cherokee Freedmen D— 184,
John Knabo,	Cherokee Freedmen D— 188,
William S. Madden,	Cherokee Freedmen D— 199,
Jane Bean,	Cherokee Freedmen D— 206,
Albert T. Thomas,	Cherokee Freedmen D— 249,
Mary Campbell,	Cherokee Freedmen D— 270,
Caroline Daniels,	Cherokee Freedmen D— 284,
Melvina Alberty,	Cherokee Freedmen D— 287,
Dave Morris,	Cherokee Freedmen D— 300,
Alexander Claggett,	Cherokee Freedmen D— 303,
Amanda Martin,	Cherokee Freedmen D— 304,
Eliza Martin,	Cherokee Freedmen D— 314,
John E. Barnes,	Cherokee Freedmen D— 318,
Bell Davis,	Cherokee Freedmen D— 320,
Samuel Brown,	Cherokee Freedmen D— 345,
Howard F. Watson,	Cherokee Freedmen D— 347,
Jack McConnell,	Cherokee Freedmen D— 348,
Minnie Manley,	Cherokee Freedmen D— 356,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 85,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Jeom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Preston Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Oasie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert P. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Munley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skagge for her husband, William Skagge; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lon Postes for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Landé for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mack, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alice Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mattie Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BREOKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen
>14 et al.

Muskogee, Indian Territory, January 24, 1903.

Hall, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1903, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matthews, Frances Nelson, John Watson, Mary Jane Vann, Thomas Lewis, Ella Duffield, Callie Rider, Reuben Campbell, Van Solomon Dooley, Dennis Willeford, Mary Corbin, Nellie Fields, John Kibbe, William F. Hughes, Jane Bean, Albert T. Thomas, Mary Campbell, [illegible], [illegible], Ben Tourie, [illegible], [illegible], [illegible], Sam R. Watson, Bill Lewis, Samuel Bryan, [illegible], [illegible], [illegible], Mary Reed, Sr., [illegible], [illegible], Ida Scott, Ronald Simpson, Thomas E. Hicks, [illegible], [illegible], I. Nevlin, Enoch Davis, [illegible], [illegible], Ben Martin, Sam Sequoyah, Alex Stamps, [illegible], [illegible], Henry Vann, Charles H. Smith, [illegible], [illegible], [illegible], Alfred R. Hackley, [illegible], [illegible], [illegible],

Chapteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Fay Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Cleggett, Samuel Irwin, Mary Ross, Maggie Wave, Nemma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lela Sanders, George Hamblrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Ralph Rogers, Abraham Ballard, Laura David, John Dorman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Blair, George Adams, Annie Thomas, Lewis McDonnell, Callie Vann, Lou Holmes, Ida Blair, Robert Brown, Allie Chambers, Lena Evans, Alice Quesler, Katie Blair, Cherie Martin, Benjamin Childs, Bobby Kelley, John Groves, Matilda Mallair, Bettie Vann, Edison Lynch, Fannie Rogers, William Whitaker, Sophia Thomas Rogers, Douglas Gallaby, Susan Nichols, Antonine Perry, Maria Lane, Robin McClain, Mahaffey Jones, Willie Vann, Levi Elwood, John Gibbler, Stanley Thompson, Miles Sheppard and Lula Walton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the sale.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encls. 2-3.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane [redacted], Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina [redacted], Dave Morris, Alexander Claggett, Amanda Martin, Eliza [redacted], John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, [redacted], Maude Manley, George Reed, Sr., Buck Ledman, Bell [redacted], Lewis Scott, Abe Scott, Kander Kempton, Thomas K. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rees, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Nettie Rook, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Lila Ross, Elizabeth Duncan, Sallie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James B. Perry, Isaac Wellon, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lotney, John Greves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Stumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Inel. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

R-48.

Muskogee, Indian Territory, January 24, 1905.

Lawson Logan,

Gann, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-75.
Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Willie Fields, John Hicks, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin, Rhea Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Minnie Manley, George Reed, Sr., Buck Ledbum, Bell Thompson, Lewis Scott, Abe Scott, Hunter Langston, Thomas B. Allen, Lewis Vandeveer, John L. Devlin, Hattie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Henry Reed, Charles C. Smith, Susie Colbert, William Skaggs, Emily Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy Thornton,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stagney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lewis, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irwin, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Dunham, Sadie Adams, Georgeann Archer, John Claggett, Nattie Smith, Jack Jackson, Lula Sanders, George Mansirig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dearman, James B. Perry, Isaac Veloh, Lawson Logan, George Howell, Henry Blair, George Adams, Annie Thomas, Lewis McCornell, Callie Vann, Lon Peters, Ida Adair, Robert Brown, Allie Chambers, Iona Jones, Alida Hunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leandy, John Groves, Matilda McCoy, Dottie Vann, Nelson Lott, Fannie Rogers, William Washington, Sophia Warren Owens, Fannie Goldsby, Thomas Daniels, Andrew Fox, David Lane, Felix Medlock, Henderson Jones, Belle Vann, Levi Brown, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Nelson.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that some of the applicants assert claim to enrollment as citizens of the Cherokee Nation, support by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

Alice Durant, Mahaley Ward, Fred B. Thomas, Bettie Rock, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stagecy Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lewis, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irwin, Mary Ross, Maggie Nave, Emma Nave, Ella Rhea, Elizabeth Dawson, Eddie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dagnan, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Blair, George Adams, Annie Thomas, Lewis McClemelly, Callie Vann, Lee Peters, Ida Blair, Robert Brown, Allie Chambers, Emma Jones, Alice Hunter, Katie Blair, Carrie Martin, Benjamin Clark, Emily Lowry, John Graves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Simon Daniels, Ambrose Rock, David Lewis, Felix Mackintz, Henderson Jones, Belle Vann, Levi Howard, John Dempsey, Mariah Thompson, Miles Sheppard, and Lula Walton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that some of the applicants named claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5845-1904) in the Lemmel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.J.
W.

(C O P Y)

D. C. 20872-1905
I.T.D. 2904-1905.

W.C.F.
WOK

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell , Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William H. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel, Brown , Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Redman, Bell Thompson , Lewis Scott, Abe Scott, Vander Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber , Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young , John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James H. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann , Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lamb, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure.

(Signed) THOS RYAN
Acting Secretary

COPY.

Cherokee Freedmen

R-48.

Muskogee, Indian Territory, April 28, 1905.

Lawson Logan,

Gann, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby

Chairman.

COPY.

Cherokee Freedmen

D 14, et al.

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 18, 1905, rejecting the applications for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 19, 1905.

Respectfully,

(SIGN) Tams Bixby

Chairman

COPY.

Cherokee Freedmen
D-14, et al.
Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

CHEROKEE FREEDMAN. 48

IN THE MATTER OF THE APPLICATION OF

Lawson Logan

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony, Feb. 16. 01

B. Wms. of application "

See Cherokee Freedman
Docket # 493

Cher Fr R 49

Cher Fr R 49

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 17 1901

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 16, 1901.

In the matter of the application of Maria Smith for the enrollment of herself, her husband, Jim Smith, and her four children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Maria Smith.
Q How old are you? A 39.
Q What is your postoffice? A Ft. Gibson.
Q In what district do you live? A Illinois District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do youwant to enroll anybody besides yourself? A Four children.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father. A Dred Foreman.
Q Is he alive? A He's dead.
Q How long has he been dead? A 16 years this coming October.
Q Was he a Cherokee Freedman? A Yes sir.
Q Give me the name of your mother. A Caroline Foreman.
Q Is she dead? A She's living.
Q How many times have you been married? A Twice.
Q To whom were you married the first time? A Alfred Thompson.
Q How long since you married ~~the first time~~ him? A I married Alfred Thompson in '80.
Q Is he dead? A He's living.
Q Was he a Cherokee Freedman? A Yes sir.
Q You and he separated, did you? A Yes sir.
Q When did you separate? A In — I dont know; its been about 15 years.
Q And after that you married again? A Yes sir.
Q To whom did you marry the second time? A Jim Smith.
Q Is he alive? A Yes sir, he's alive.
Q Is he a Cherokee Freedman? A Said to be.
Q Are you and he living together? A Yes sir.
Q Are you living with him now? A Yes sir.
Q Why do you not apply for him? A Well, I never did; always enrolled myself and the children.

Commissioner- You better apply for him.

Q Has he ever been put on any roll? A Well, I couldn't tell you.
Q When did you and James Smith begin to live together? A About 14 years.
Q Did you ever get a divorce from you husband, Alfred Thompson? A According to the Cherokee law; he married and they said I was divorced; he married before I did.
Q But you didn't get any judicial divorce? A No sir.
Q You and Jim Smith have lived together ever since you married some fourteen years ago? A Yes sir.
Q Give me the names of your children. A Willie Smith.
Q A boy or a girl? A He's a boy.
Q How old is that child? A 18.
Q The next child? A Jimmie Smith.
Q How old is Jimmie? A 15.
Q The next child? A Joe Smith.
Q How old is Joe? A 13.
Q The next child? A Luther Smith.
Q How old is that child? A 10. Jimmie is Alfred Thompson's child.
Q But you call them all Smith? A Yes sir.
Q These children all living now, are they? A Yes sir.
Q Give me the name of the father of your husband? A I couldn't do that; I don't know.
Q You know the name of his mother. A Emily Vann.
Q Is she alive? A Yes sir.
Q What was her name in 1880? A Emily Vann.
Q And still that name? A Yes sir.

Q How old is your husband? A I don't know sir, how old he is.
Q Is he older than you? A Yes sir, he's going a good deal older than I am.
Q Is he 45? A I guess he's 46 or 7.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 590, No. 1925, Mariah Thompson, Illinois District.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicant and her children are identified thereon as follows:
Page 962, No. 533, Mariah Smith, Illinois District.
Page 962, No. 534, William Smith, Illinois District.
Page 962, No. 535, James Smith, Illinois District.
Page 962, No. 536, George Smith, Illinois District.
Page 962, No. 537, Luther Smith, Illinois District.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's husband is not found of record thereon.

Q Have you anybody here who knows that you have been married to these men, Thompson and Smith? A No one here in the house, I guess. Fannie Miller knows I guess.

Fannie Miller, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name. A Fannie Miller.is my name.
Q How old are you? A Well, I couldn't tell you that.
Q How old, 45 or 50? A Yes sir, maybe over that.
Q How long have you lived in the Cherokee Nation? A Been livin g here a good while.
Q All your life? A No sir.
Q Been living here forty years? A No sir.
Q What is your postoffice? A Gibson now.
Q Do you know this applicant here, Maria Smith? A Yes sir, I been knowing her quite a while; knowed all the family.
Q Have you known her ever since she was a little girl? A Yes sir.
Q You have been living here ever since that time, haven't you? A Yes sir.
Q What was her name before she married anybody? A It must have been Foreman; that is all I know.
Q She has been married twice? A Yes sir.
Q What is the name of her first husband? A Alfred Thompson.
Q And then after a while they separated? A Yes sir.
Q And then after that married another man? A Yes sir.
Q What is his name? A Jim Smith.
Q They are living together now as husband and wife? A I guess so.
Q As far as your know? A Yes sir, as far as I know.

redirect.

Q James Smith, he didn't get a Cherokee license when he married you? A No sir, they didn't get license; they got signers.
Q They just got married without any license about it? A Yes sir.

The applicant applies for the enrollment of herself, her husband, and four children; she is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. She states that she has lived in the Cherokee Nation all her life; her changesof name arising from marriage are explained in a satisfactory manner by herself and other personal testimony; she will now be listed for enrollment as a Cherokee Freedman. Her four children named in the testimony are duly identified on the roll of 1896; they are all living at this time. The child Joe, next to the youngest child, is upon the roll of 1896 as George, but this is evidently a clerical error. These children will all now be listed for enrollment as Cherokee Freedmen. The

applicant's present husband, James Smith, is not identified upon any roll, and he did not procure a Cherokee license when he married his wife, nor did she ever procure a legal divorce from her first husband; therefore, there does not appear any ground upon which, either as a Cherokee Freedman or as a citizen by intermarriage, the Commission has no jurisdiction over the application for the enrollment of the applicant's husband, and only a memorandum will therefore be made of the application for the enrollment of James Smith. The final decision in regard to this memorandum will be reported to the Secretary of the Interior, and if approved the same he approves of the same that will be final under the present law.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenberger

Subscribed and sworn to before me this 17th day of April, 1901.

Commissioner.

M284

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 49

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of James Smith for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show the applicant's right to enrollment as a Cherokee Freedman.

The said James Smith has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday April 4, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

ENROLLMENT REFUSED.

R 4

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

James Smith

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony taken at
B. Motion of application ..

Eastern Cherokee Freedmen
Docket 504

Cher Fr R 50

Cher Fr R 50

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 17, 1901.

In the matter of the application of Jackson Matthews for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Jackson Matthews.
Q How old are you? A About fifty years old.
Q What is your postoffice? A Muskogee.
Q In what district do you live? Do you live in the Cherokee Nation? A Well, that's my home; Cherokee Nation, in Sequoyah District.
Q You get your mail at Muskogee? A Yes, sir.
Q You want to be enrolled as a Cherokee Freedman? A No sir, I never was a slave.
Q Were you freed before the war? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q How long have you livedin the Cherokee Nation? A Well I have lived in the Cherokee Nation nearly all my life; I came here in '63.
Q Have you lived here ever since 1863? A Yes sir.
Q Give me the name of your father? A I don't know his name.
Q Give me the name of your mother? A Priscilla Matthews.
Q Is she dead? A Yes sir.
Q How long has she been dead? A She died about six months after we come here.
Q Along in '63 or '64? A Yes sir.
Q Have you ever been married? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant name not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Have you ever borne any other name besides Matthews? A Not that I know of.
Have you ever been admitted to enrollment by the Cherokee authorities? A No sir.
Q Did you ever apply for enrollment? A No sir.
Q Never applied at all? A No sir.
Q Were you in the country when the Cherokee Strip payment was made to the colored people? A No sir.
Q Didn't you try to get your money then? A It was just---no freedmens couldn't draw no money.
Q You never applied to get upon any roll at any time? A No sir.
Q Never have been recognized as a Cherokee citizen in any form?
A I never applied.
Q Where have you lived all the time since '63? A Sometime in the Creek Nation and sometimes in the Choctaw Nation and Chickasaw Nation and around.
Q Where did you come from when you came to the Cherokee Nation?
A From Tennessee.
Q Did you come from Tennessee to the Indian Territory in 1863?
A Yes sir.

Q Did you come at once to the Cherokee Nation? A Well, yes sir, we come right along.
Q To the Cherokee Nation? A Yes sir.
Q Where did you come at that time? A From Memphis, Tennessee, through pine Bluff, Arkansas, and from thereon.
Q How long did you stay in Pine Bluff? A Didn't stay there more than a week or two, I suppose.
Q And then where did you go? A Cherokee Nation.
Q Who were with you? A I was with the soldiers, Union soldiers.
Q Did you come to Arkansas with the Union soldiers? A Yes sir.
Q What were you doing with the soldiers? A I was just with them and they brought me along; there was several along.
Q Well, tell me where you went after you left Pine Bluff, Arkansas
A We come on then to the Cherokee Nation, near Ft. Smith.
Q Were you principally in Ft. Smith or on this side of the line?
A On this side of the line.
Q Whose plantation were you on? A Ben johnson's.
Q What did you do on that plantation? A Worked on the farm.
Q How long did you stay on Ben Johnson's plantation? A I reckon about six or seven years, somewhere along there.
Q You don't remember? A Well, sir, somewhere along there.
Q Was the war over when you left Ben Johnson's plantation?
A Yes sir.
Q It was over? A Yes sir.
Q Well, when you left there where did you go? A Went to Mr. Bell's, Jack Bell's.
Q Where did he live? A Sequoyah District, in the Cherokee Nation.
Q Well, how long did you stay at Mr. Jack Bell's? A About a year.
Q Then where did you go? A Well, moved then around about in the Choctaw Nation.
Q You then went out of the Cherokee Nation? A Yes, into the Choctaw Nation.
Q Well, how long did you stay in the Choctaw Nation? A I suppose I staid there only a short time.
Q About a year or such a matter? A Yes sir.
Q Then where did you go? A Chickasha Nation.
Q How long did you stay in the Chickasaw Nation? A Year or so.
Q Then where did you go? A In the Creek Nation.
Q And how long did you stay in the Creek Nation? A I staid there about two years.
Q And then where did you go? A I come back in the Cherokee Nation
Q How long did you stay in the Cherokee Nation then? A Worked around there I reckon about seven or eight years.
Q And then where did you go? A Well, back down in the Choctaw.
Q What time was it you left the Cherokee Nation that time?
A I don't know; I kept no account.
Q You went back to the Choctaw Nation? A Yes sir.
Q How long did you stay there? A It might have been a year.
Q And where did you go then? A Well, went back to the Chickasha first.
Q How long did you stay there? A I guess I was there two years.
Q And then where did you go? A Come back down in the Cherokee Nation and around.
Q How long did you stay in the Cherokee Nation then? A I picked cotton around there about Ft. Smith.
Q Just came back and picked cotton awhile? A No, worked awhile.
Q Well, did you stay there six months? A Yes sir.
Q And then where did you go? A Well, around in the Nations about.
Q Well how long did you keep that up? A I picked cotton in Texas one fall.
Q How long have you been in the Cherokee Nation down to this time, this last time; you are here now, how long have you been here?
A Oh well, I have been here this time, around about---

Q I am not talking about around about now, I want to know exactly how long you have been in the Cherokee Nation continuously down to this day; have you been here 12 months? A I am now you see in the Creek, at Muskogee.
Q You told me you lived in the Cherokee Nation? A I count that my home.
Q Where are you working? A For Mr. Bixby at Muskogee, at the dwelling house.
Q For Mr. Tams Bixby? A Yes sir.
Q Well, how long have you been working there? A About three months
Q So you are doing your eating and sleeping and working in the Creek Nation, and not in the Cherokee Nation? A Yes, at the present time.
Q Where were you living before you went to work for Mr. Bixby? A I was further west.
Q In the Creek Nation? A Yes sir, at school.
Q What were you doing out there? A I went to school.
Q Went to school just before you worked for Mr. Bixby? A Yes sir.
Q How long since you have been actually living in the Cherokee Nation? A Just about forty-six or seven years.
Q Since you actually lived in the Cherokee Nation? A Yes sir.
Q Do I understand you to say that you haven't actually lived in the Cherokee Nation for 46 or 7 years? A Oh, I mean that's my home, in the Cherokee Nation.
Q I am not talking about what you call your home, I am asking you to tell me how long since you actually lived inside of the Cherokee Nation; that you have done your eating, sleeping and working here?
A Oh you mean since that.
Q Where have you been for the last five years? A For the last five years, let me see, in the Creek Nation for five years in the Cherokee Nation, of course lately I am in the Creek Nation.
Q Where were you a year ago from now? A I was at Ft. Smith a year ago.
Q Where were you two years ago? What were you doing in Ft. Smith?
A I picked cotton down there, worked on a farm down there.
Q Where were you two years ago? A I was there two years ago.
Q Where were you three years ago? A Well I will tell you it's pretty hard to keep track of myself, I have been so many places.
Q Where were you four years ago, as well as you can tell? A I was in Illinois district four years ago.
Q In the Cherokee Nation? A Yes sir.
Q What were you doing there? A Working around.
Q Who were you working for? A Mr. Polsell.
Q By James S. Davenport, Cherokee Representative: That Wiley?
A I don't know.
Q A colored fellow? A Yes sir.
Q (Ex. Resumed by Com'r Breckinridge:
Q How long did you work for him? A Just awhile.
Q Where were you five years ago? A (No reply)
Q How long did you stay in the Cherokee Nation this time when you were working for this man polsell? A Principal of a year.
Q Who all were you working for that year? A Several different men.
Q Can you name any of them except this man Polsell? Don't make any mistakes, you know you are under oath, and you know the consequences of giving wrong testimony; who were you working for besides this man Polsell? A I can't remember the names.
Q Where were you the year before that, that would be five years ago? A I was in Kansas City for awhile.
Q How long did you stay up there? A About a year I guess.
Q Where were you before you were in Kansas City, the year before that? A In Arkansas.
Q Where abouts in Arkansas? A Little Rock, Arkansas.

Q How long did you stay there? A Well, four or five months.
Q Where did you come from when you went to Little Rock? A I think I had been in the Cherokee Nation.
Q What is the longest time you ever spent in the Cherokee Nation at one time? A Well about ten or twelve years.
Q Ten or twelve years at one time? A Yes sir.
Q When was that? A When I was first carried there from Tennessee.
Q When you were quite a boy? A Yes sir.
Q You think you staid in the Cherokee Nation ten or twelve years? A Yes, sir.
Q Have you ever voted in the Cherokee Nation? A No sir.
Q Where have you done your voting? A I aint voted anywhere.
Q Never voted at all, fifty years of age and never voted? A I have been traveling about a good while.

Examined by Cherokee Representative, James S. Davenport:

Q Where were you living when the war broke out? A I was quite small then, I was in Tennessee.
Q You came from Tennessee to Little Rock with the Federal troops, or to Pine Bluff, then, sometime during the war you came on up to Ft. Smith, at the Fort, and with the Federal troops? A Yes sir.
Q And then you drifted over to the Cherokee Nation sometime during the rebellion? A Yes sir.
Q You were never a slave of any citizen of the Cherokee Nation? A No sir.
Q Nor were you a slave freed by voluntary action of the Cherokee citizen as a slave prior to the war? A No sir.
Q And never been in the Cherokee Nation before war was declared? A I was here in '63.
Q If you were a slave at all you were a slave in Tennessee before the war broke out? A (No reply.)

Examined by Commissioner Breckinridge:

Q Were you a slave in Tennessee? A No sir.
Q You were free there? A Yes sir.

WARREN KILPATRICK, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Warren Kilpatrick.
Q How old are you? A I will be 52 the 19th of this month.
Q What is your post-office? A Sallisaw.
Q How long have you lived in the Cherokee Nation? A I have been living here often and on all my life.
Q Where have you lived most of the time? A In the Cherokee Nation.
Q Where have you lived when you were not in the Cherokee Nation? A Over in Ft. Smith; worked over there.
Q And where else? A Oh I went all through the war.
Q Well, but since the war? A Since the war at Ft. Smith, through Arkansas backwards and forwards.
Q What have you been doing in Arkansas? A Working.
Q What parts of Arkansas have you been working in? A Worked at Pine Bluff some.
Q Where else? A Woodruff County, on White river.
Q And where else? A Back to the Cherokee Nation.
Q What kind of work did you do in Arkansas? A I farmed some and carpentered some.
Q How many trips did you make over there? A I made two trips.
Q How many years did you work over there? A Let me see, about three years, backwards and forwards.

Q Have you lived all your life in the Cherokee Nation except the part of that three years that you worked in Arkansas? A Yes sir.
Q Do you know the applicant, here, Jackson Matthews? A Yes sir, I have met him.
Q How long have you known him? A I knowed him from '86.
Q You didn't know him before that? A No sir.
Q You didn't know of him before that did you? A No sir.
Q You don't know whether he lived in the Cherokee Nation at the breaking out of the Civil war? A No sir, I don't know that; I met him in 1886.
Q You don't know anything about his life before 1886? A No sir.
Q Where did you meet him in 1886? A Down here in Ft Smith bottom.
Q That in the Cherokee Nation or Arkansas? A In the Cherokee Nation, on this side of the River.
Q Have you seen much of him since you met him?in 1886?
A I have met him several times.
Q How many times have you met him do you think since you first met him in 1886? A I couldn't tell exactly; I never have kept count of that much, but I have met him pretty often backwards and forwards from here down to Ft. Smith.
Q Do you know anything about where he has been living most of the time since 1886? A No sir. I would meet him just on the travel
Q Always meet him going to some place or coming from some place?
A Yes sir, coming from some place.
Q He seems to have been a very considerable traveller? A Well I couldn't tell about that, he was always out.
Q You don't know of his having settled down and commenced to farm or anything of that sort? A No sir.
Q Is he a man of a family? A No sir, not as I know of.
Q Well is that all you know about him? A Yes sir, that's about all I know about him.

Examined by Cherokee Representative, James S. Davenport:

Q Warren, where was it you said you lived in Arkansas? Down there by Pine Bluff? A I don't remember now.
Q Do you remember who was running for office down there the year you was down there? A I believe I forgot that too, because I never had nothing to do with it.
Q Eagle was running for Governor when you was down there, James P. Eagle? A If I aint mistaken I think that's the name.
Q It is the same time you lived in Pine Bluff and voted in the municipal election? A I never voted.
Q What made you pay your poll tax if you never voted? A I never paid none.
Q You are not on any of the Cherokee rolls yourself are you?
A No sir, not as I know of.

Com'r Breckinridge: The applicant states that he came to the Cherokee Nation from the state of Tennessee in 1863, and that he was not a slave in the state of Tennessee; he was not therefore a freed man living in the Cherokee Nation at the commencement of the rebellion; it appears from his testimony that he may have been in the Cherokee Nation at the time the treaty of 1866 was made, but it is evident from his testimony that he abjured his citizenship, his life having been an extraordinarily roving one, and he not being found upon any roll of the Cherokee Nation; and he states that he never applied to be enrolled as a Cherokee Freedman or citizen; so that whatever rights he may have had, and it does not seem that he originally possessed any, it appears that he lost them by his course of residence in the other nations and in the different states for a great number of years past; he will be listed as a Cherokee Freedman upon a rejected card.

0-0-0-0-0-0-0-0-0-0

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green,

Subscribed and sworn to before me this April 18, 1901.

(Signed) C. R. Breckinrdige,

Commissioner.

o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

H M Vance

Subscribed and sworn to before me this the 29th day of April, 1904.

Charles N. Sawyer

Notary Public.

B. F. VB. 50-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 17 1901

Acting Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 17, 1901.

Post Office Muskogee, I.T.

District Sequoyah

1. Name Jackson Matthews Age 50

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother Priscilla Matthews Citizenship Cal (dead)

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer .....

SUPPLEMENTAL: C. F. R-50.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 27, 1901.

In the matter of the application of Jackson Matthews for enrollment as a Cherokee Freedman;

TESTIMONY ON THE PART OF THE APPLICANT.

Appearances:
J.F.Faulds, Esq., attorney for applicant;
James Davenport, of attorneys for Cherokee Nation.

GEORGE W. VANN, being sworn, and examined testified as follows:
BY MR. FAULDS:

Q Your name is George W. Vann, your post-office is Benge? A Yes sir.
Q 87 years of age the 27th day of next December? A Yes sir.
Q You know Jackson Matthews? A I do.
Q Where did you first see him? A In the Creek Nation.
Q How long ago was that?
BY MR. DAVENPORT: If they offer original testimony we desire to object to it; and we understood that it was in rebuttal of new matter brought out by the Cherokee Nation.
MR. FAULDS: I was not in this case at first. The applicant desired me to introduce two witnesses. So far as I know it is simply residence here.
MR. DAVENPORT: We object to the taking of testimony upon the original case. It was the 17th day of April here when it was taken, and the applicant has had from that time until the present to put in testimony, and the nation has made arrangement to offer testimony.
COMMISSION: Objection will be noted and the witness will be permitted to testify.
Q You say you first knew him in the Creek Nation? A Yes sir, Muskogee.
Q When was that? A Along sometime in '70.
Q Did you ever see him in the Cherokee Nation? A Yes sir.
Q When was that? A Since that.
Q Well when? A Three or four times; I have seen him down here.
Q You know where he has been living? A I do not.
Q Just seen him three or four times in the Cherokee Nation?
A Yes sir.
Q What was he doing? A I seen him passing out three or four times, I don't know what he was doing.
Q You don't appear to know much about it? A No sir, I seen him in '70.

A. T. TATUM, being sworn and examined testified as follows:
BY MR. FAULDS:

Q What is your name? A A. T. Tatum.
Q Your post-office is what? A Benge.
Q And how old are you? A 56 years old.
Q Do you know Jackson Matthews, the applicant? A Yes sir.
Q When did you first know him? A Well it has been about 20 or 25 years.
Q Where was he living then? A I don't know where he was living, I met him down here first time right close to Cherokee.

Q In the Cherokee Nation? A Yes sir.
Q You know where he has been living since that? A No sir, I don't know; but he told me he was living in the Cherokee Nation; he did not tell me exactly where he lived in the Territory, he told me he lived in the Territory.
Q How often have you seen him? A I have seen him often and on three or four or five years.
Q Was it the first time you saw him you speak of? A About 20 or 25 years ago.

BY MR. DAVENPORT:

Q That is the same time you met Calvin Goins there by Cherokee?
A No sir.
Q Just a little while before you met Calvin Goins? A I don't know about that.
Q You came as near seeing this party as you did seeing Calvin Goins? A I saw him there.
Q Don't you know that this negro has been working all over the United States and never was here until a few years ago? A I don't know, but I saw him there.
Q Don't you know he testified himself that he never was here until a few years ago, and that is the reason he was rejected? A I don't know; I know I saw him there.

0-0-0-0-0-0-0-0-0

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this October 8th, 1901.

(Signed) T. B. Needles,
Commissioner.

0-0-0-0-0-0-0-0-0

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

H M Vance

Subscribed and sworn to before me this the 29th day of April, 1904.

Charles H Sawyer
Notary Public.

Cherokee Freedmen R-50

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Matthews as a free colored person.

D E C I S I O N.

The record in this case shows that on April 17, 1901, Jackson Matthews appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself as a free colored person. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 27, 1901.

The evidence herein shows that Jackson Matthews was not a free colored person residing in the Cherokee Nation at the commencement of the rebellion. The said Jackson Matthews cannot be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jackson Matthews as a free colored person should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

this OCT 2 1901

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
AUGUST 27, 1906.

In the matter of the alleged application for the enrollment of A. J. Mathews (or Jackson Mathews) as a citizen of the Creek Nation.

APPEARANCES: M. L. Williams attorney for applicant.

Andrew Jackson Mathews, being first duly sworn, testified as follows:

Questions by Commissioner:

Q: What is your name? A: Andrew Jackson Mathews.
Q: You sometimes go by the name of Jackson Mathews? A: Well that is a name I go by. Andrew Jackson Mathews that is the name I have been going by.
Q: Did you at one time make application to the Commission to be enrolled as a citizen of the Cherokee Nation under the name of Jackson Mathews? A: Yes sir.
Q: How old are you? A: I don't know, I suppose I am about 48 along there I suppose.

Q: It appears from the records of this office that you testified before the Commission on April 17, 1901 and said at that time you were about 50 years old, if you were about 50 years old at that time, you would be about 55 years years old now, do you judge you are about 55 years old?
A: No, I suppose I am about 48 years old, along there.
Q: Then your statement before the Commission in 1901 wasn't correct, is that what you desire to state now?
A: Yes sir.
Q: That you are only about 48? A: Yes sir.
Q: What reason have you for judging you are younger at this time than you were then? A: From the time I left here counting the time up from during the war, mother went with me when I was about 2 years old.
Q: Your mother moved you during the civil war did she? A: Yes sir.
Q: What is your post-office address? A: Muskogee.
Q: You are the identical Jackson Mathews, are you who appeared before the Commission and made application to be enrolled as a citizen of the Cherokee Nation, you are the same person are you? A: Yes sir, I am the same one but I made a mistake though.
Q: Have you ever appeared before the Commission and made application to be enrolled as a citizen of the Creek Nation
A: No sir, not until of late.
Q: When did you ever make application to be enrolled as a citizen of the Creek Nation? A: Well let me see, I think it was along last September or October, I don't know which it was now. It was last fall.
Q: Last fall? A: Yes sir, this last fall.

Q: In what way did you attempt to be enrolled as a citizen of the Creek Nation? Did you come up here?
A: No sir, I wrote to the Secretary.
Q: When did you write to the Secretary? A: Along last October.
Q: Along last fall? A: Yes sir.
Q: Did you receive any answer from the Secretary?
A: Yes sir, I did.
Q: Have you that answer? A: I haven't got it with me.
Q: Have you it anywhere? A: Yes sir.
Q: Do you know the date of it? A: I don't remember the date of it. I forget, I believe it was in May.
Q: Well was it in May of this year you wrote him and received an answer? A: No sir, it was last fall when I wrote.
Q: What month? A: It was in September or October, I think somewhere along there.
Q: 1905? A: Yes sir.
Q: When did you receive an answer to that letter?
A: Well I didn't receive a letter until along in the winter I think it was.
Q: There is on file in this office certain letters, one under date of April 4, 1906, addressed to the Secretary of the Interior, signed by A. J. Mathews.
Another under date of May 5, 1906 signed by you and addressed to the Secretary, which said letter was referred to this office for consideration and appropriate action and in reply to same a letter was addressed to you under date of April 19, 1906.
Also a letter from the Department under date of May 12, 1906 addressed to A. J. Mathews, stating that your letter of May 5th. had been referred to this office.
Also affidavits of Tally Lewis and Abe Prince filed with the Department on June 6, 1906,
Also a letter from you addressed to the Secretary under date of May 31, 1906, referred to this office for consideration and on May 29, 1906, it appears that a letter was addressed to you from this office to the effect that the records of this office show that you have made application for enrollment as a citizen of the Cherokee Nation That there is no record of any application ever having been made as a citizen of the Creek Nation and in said communication you were informed that this office "is now without authority to receive or consider applications for enrollment as adult citizens of the said Nation."
Said Nation referred to being the Creek Nation.

Q: Have you any other letters that you desire to introduce either letters written to the Secretary or letters received from the Secretary or from this office that were written prior to December 1, 1905 in regard to your alleged right as a Creek? A: No sir, I haven't got any that I know of.
Q: Are these all the letters that you know of that have been written in regard to your alleged right as a Creek Citizen?
A: Well not more than those I wrote last fall.
Q: To whom did you write last fall? A: The Secretary of the Interior. I also had Wiley McIntosh write to him for me.
Q: From the transcript of testimony taken in the proceedings had on April 17, 1902, in the matter of your application to be enrolled as a citizen of the Cherokee Nation it does not appear that you claim to possess any rights as

a citizen of the Creek Nation. It further does not appear that you ever have made application to this Commission to be enrolled as a Citizen of the Creek Nation; that you have no other papers or documents that you wish to file, but if you think you can find any we will grant you a reasonable time and a reasonable time will be allowed, say a space of five days to find these documents and introduce them.

Q: Do you think that you have any record of any correspondence had by you prior to December 1, 1905 in regard to any alleged rights as a Creek?

A: Yes, I wrote the Secretary in the fall, September or October, one of the two.

Q: Have you anything to show that you wrote to the Secretary at that time? A: No sir, I didn't have any letters from him.

A motion has been filed with this office by Andrew [redacted] Mathews, the said motion showing a copy of service upon the Attorney for the Creek Nation petitioning for a reopening of his application and a transfer of the consideration of same, from the Cherokee division to the Creek Division.

I, Julia C. Laval, on my oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before
me this 7 day of September, 1906.

Edward Merrick

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

It appearing from the admission of the applicant that no application of any character has been made by him or in his behalf for enrollment as a citizen of the Creek Nation prior to his appearance at this time on August 27, 1906, and the records in the possession of the Commissioner to the Five Civilized Tribes fail to show that any application of any character was made for his enrollment, and there being no authority vested in me for receiving original applications at this time, I hereby decline to receive any application for the enrollment of said Andrew Jackson Mathews, as a citizen of the Creek Nation.

In as much as an examination of the records of this office fails to how that the name of said applicant is upon any of the Creek Tribal Rolls, I am of the opinion that this office is without authority to consider a motion looking to the transfer of an application as a citizen of the Cherokee Nation to an application as a citizen of the Creek Nation and I therefore decline to receive or consider the same.

Muskogee, Indian Territory.
Sept 26, 1906

Commissioner.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, May 12, 1903.

Received of the Commission to the Five Civilized Tribes, one copy of the testimony of April 17 and September 27, 1901, in Cherokee Freedmen rejected case R 50, Jackson Matthews.

Applicant.

Jackson Matthews

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 50

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

Jackson Matthews,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-40

Register.

Cherokee Freedmen R-80

Muskogee, Indian Territory, April 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application of Jackson Matthews for enrollment as a Cherokee freedman, together with the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Chairman.

Encl. V-42

Through the Commissioner of Indian Affairs.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 50

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Jackson Matthews as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-41.

Chairman.

(COPY)

Refer in reply to
the following:
Land.
30076-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 30, 1904, transmitting the record of the application of Jackson Matthews for enrollment as a free colored person.

April 20, 1904, the Commission found that the applicant was not entitled to enrollment as a free colored person.

The evidence shows that the applicant was born and lived outside of the Cherokee Nation; that he was not a resident of the Cherokee Nation on or before February 11, 1867, but that he has been a vagrant wanderer through various states and Indian Nations since 1863.

The name of the applicant is not found on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

M.M.M.
W.

D.C. 21480-1904. (COPY)

W.C.F. J.P. FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 4904-1904.

June 21, 1904.

L.R.S,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application of Jackson Matthews for enrollment as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter June 14, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES
C. R. BRECKINRIDGE

WM O BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 50

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Jackson Matthews as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
R 80

Muskogee, Indian Territory, June 30, 1904.

Jackson Matthews,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of yourself as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 21, 1904.

Respectfully,

Signed T. B. Needles

Commissioner in Charge.

Muskogee, Indian Territory, October 13,1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had before this office in the matter of the alleged application for the enrollment of Andrew Jackson Mathews, as a citizen of the Creek Nation, including the order of dismissal of the Commissioner in said matter.

Respectfully,

Commissioner.

Through the Commissioner
Of Indian Affairs.

IM-104.

lo. JR50

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 9 1901

ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft Gibson I.T. Sept 9. 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Jackson Matthews for enrollment as Freedmen of the Cherokee Nation.

J. S. Fowler
Atty for Applicant

No. FR 50

Muskogee Indian Territory, 8/27 1904

Received of the Commission to the Five Civilized
Indians one copy of the testimony in Jackson
Mathews Case

Attorney for applicant

ent of the Interior.
n to the Five Civilized Tribes,
SKOCEE, IND. TER.

1157

Jackson Matthews,

Muskogee, Indian Territory.





MAY 28 1904

MUSKOGEE, IND. TER.
MAY 28 1904
RECEIVED

ENROLLMENT REFUSED.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Isaac Matthews

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apr. 17-01

B. Mem. of application " " "

C. Receipt for testimony.

D. Supplementary testimony 9/27/01

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 21 1904

Testimony sent with

Cher Fr R 51

Cher Fr R 51

[illegible]TMENT OF THE [illegible]
[illegible]N TO THE FIVE CIVILIZED

FILED
APR 18 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 18, 1901.

In the matter of the application of Aggie Jones for enrollment as a Cherokee Freedman.

Aggie Jones, being duly sworn, and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Aggie Jones.
Q How old are you? A I don't know exactly, I guess about 55.
Q What is your post office? A Fort Gibson.
Q In what district do you live? A Illinois.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q Just yourself? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived all my life except when I went to Texas during the war.
Q Give me the name of your father? A Nero Irons.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Her name is Winnie Irons.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I don't know sir exactly how long she has been dead.
Q A great many years? A Yes, sir, my father.
Q Has your mother been dead many years? A Yes, sir, about four or five.
Q Your father has been dead much longer than that, has he? A Yes, sir
Q You have been married, have you? A Yes, sir.
Q How many times have you been married? A Just once.
Q When were you married? A I don't know how long I have been married.
Q To whom were you married? A Henderson Jones.
Q Were you married when you came back from Texas? A No, sir, I was living with a man.
Q But were not married? A No, sir.
Q Did you marry this man Henderson Jones before or after you came back from Texas? A No, sir, quite a while after I came back from Texas before I married him.
Q Was it ten years? A Yes, sir.
Q You have never applied for enrollment with any other tribe or nation? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant not identified thereon.

Q What was your name before it was Jones? A Aggie Nero.
Q Your father's name was Nero Irons? A Yes, sir.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Kerns-Clifton pay-roll examined, and the applicant not identified thereon.

A Here is some papers I have got (handing Commissioner papers.)
Q Was your family ever called West? A Yes, sir, there was a man I was lived with named West.
Q When did you come back from Texas? A I came directly after the war, pretty near after the war.
Q Do you remember what year you came back in? A 1866.
Q What makes you think you came back in 1866? A Because they said that was the time we came back, in 1866.
Q Who came back with you? A I came back with Walker Mayfield.
Q Who was he, a white man or a colored man.
A He was a Cherokee man.
Q Where did you come? A Sequoyah.
Q Is he living? A No, sir, he is dead.
Q Is there anybody living now who knows that youcame back in 1866? A Yes, sir.

Q Who? A Joe Johnson knows I could be. in 1866.

****

Joe Hannah Johnson, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Joe Johnson.
Q How old are you? A 51 years old.
Q What is your post office? A Muskogee.
Q Where do you live? A I live over there; I live in the country about six miles north of Muskogee.
Q In the Cherokee Nation? A No, sir, in the Creek Nation.
Q Did you ever live in the Cherokee Nation? A Lived here all my days.
Q You are living in the Creek Nation now? A Yes, sir.
Q When did you begin living in the Creek Nation? A Close onto six years ago.
Q Before that where did you live? A Right here in Illinois.
Q Do you know the applicant here, Aggie Jones? A Yes, sir, I have known her ever since the second year after the war; I first seen her somewhere about here and I met her on Blackburn's farm in Sequoyah, sometime about Christmas.
Q Sometime about Christmas of the second year after the war?
A Yes, sir.
Q You met her here then? A Yes, sir.
Q And you have known her ever since? A Yes, sir.
Q And that was the beginning of your knowledge? A Yes, sir.
Q And ever since then you have known her? A Yes, sir.
Q Has she lived in the Cherokee Nation ever since that time?
A Yes, sir, never been out that I know of.
Q Who was she living with at that time? A A man by the name of Dave West, that was her first husband.
Q Whose farm was she living on? A The old Blackburn farm.
Q You know nothing about her farther back than just before Christmas the second year after the war? A No, sir.

****

Aggie Jones, recalled, testified:

Mr. Hastings: I want to ask you who you belonged to before the war? A Belonged to Ann Wilson.
Q Where did Ann Wilson live? A Lived down here in the bottom.
Q Where did she live before the war? A She lived down in the bottom I guess.
Q I am trying to find out where Ann Wilson lived before the war, in what part of the Cherokee Nation; take your time and answer?
A Lived right down here on the river.
Q Near Fort Gibson? A Yes, sir, down there by that ferry.
Q Were you living there before the war? A Yes, sir, I lived out here during of the war.
Q When the war commenced you were living here near Fort Gibson?
A Yes, sir.
Q With Ann Wilson? A Yes, sir.
Q Did she have any family? A Yes, sir, had a family.
Q Name some of her people? A She had a daughter named Susan and Jeff as all I know.
Q Susan and Jeff Wilson? A Yes, sir.
Q Was her husband alive? A No, sir, she was a widow.
Q What kind of a house were they living in? A Log house.
Q Double log house? A Yes, sir.
Q Empty between? A No, sir, just one single house.
Q Just one room? A Yes, sir.

Q Have you ever been to the states recently? A No, sir.
Q You applied before the Kerns-Clifton Commission five years ago for enrollment, didn't you? A Yes, sir.
Q You testified then you belonged to Sallie Mayfield before the war began? A Yes, sir; well I did, I lived with Sallie Mayfield after she came back, I came back with them.
Q Then you belonged to Sallie Mayfield before the war? A No, time of the war I was living there with them, they carried me to Texas and I lived there with them until after she came back here.
Q Until after the war? A Yes, sir.
Q Then you lived with Ann Wilson after the war; is that right?
A No, sir.
Q Well now what I want to know is who you belonged to when the war commenced? A I must have been living with Ann Wilson; I went out from her at the beginning of the war, I went out.
Q Was Ann Wilson a colored woman? A She was a white, or a Cherokee.
Q I thought you just now stated in answer to my question you belonged to Sallie Mayfield? A I did belong to her.
Q Didn't you tell five years ago before the Kerns-Clifton Commission that you belonged to Sallie Mayfield at the beginning of thewar?
A They taken me out, the mayfields did.
Q When? A The beginning of thewar.
Q The Mayfields? A Yes, sir.
Q Where did they take you to? A Texas.
Q What became of Ann Wilson, did she go too? A No, sir, she stayed here.
Q Was Sallie Mayfield herself living when you went to Texas?
A No, sir.
Q Which one of the Mayfields did you go to Texas with?
A Wilson Mayfield.
Q You say you returned here with Walk Mayfield after the war?
A Yes, sir.
Q Was that in the spring of the year? A Yes, sir, it was cold, directly after Christmas, it was cold.
Q You know how long after Christmas it was? A No, sir, I don't remember.
Q As much as three or four months? A No, sir, I don't know how many.
Q Where did you come to when you came back after the war, what point? A Sequoyah.
Q How long did you live there in Sequoyah? A I lived there two or three years I guess, and I came up here with my father and I have been here ever since.
Q Who was your father? A Nero Irons.
Commissioner Brockinridge: Do you know Joe Johnson who testified a while agoxxxxxxwere, did you know him while you were in Texas?
A No, sir, I never saw him while I was in Texas, not till I came to the Territory.
Q You met him up here in the Territory? A Yes, sir, down here in Sequoyah.
Q Did you meet him here when you came here from Texas, as soon as you came here? A Yes, sir, he was living down here in Sequoyah.
Q Right where you came? A Yes, sir.
Q When you first came from Texas you found Joe Johnson living right where you came? A Not at the same place where I stopped, he wasn't living there, but it was right close by, we were not far apart, close together.
Q You met him then just as soon as you came here, pretty much?
A Yes, sir, and been knowing him ever since.
Q Did you meet him the first day you came back? A No, sir, I never met him the first day, about a week or two I reckon after we came in.

Commissioner Breckinridge:, The applicant claims that she has lived in the Cherokee Nation all her life except a period spent in the State of Texas where she was married during the war, and from which state she testifies she returned after the war. She claims in a general way that she came in the year 1866, but she is not identified on the roll of 1880, or upon the census roll of 1896 or upon the Commission roll; neither is her mother, who is said to have died some four or five years ago, identified upon any roll. The only evidence adduced in support of the applicant's claim as to the time she returned to the Cherokee Nation indicates that she returned in the fall or in the first winter month of 1867. Her claim being unsupported by any enrollment, and not in fact being contradicted by personal testimony, she will be listed as a Cherokee freedman upon the partial card.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of April, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 18 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 18 1901

Post Office Fort Gibson

District 2ll

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(W) Name of wife Aggie Jones. Age 55

Owners name Ann Wilson Citizenship Cherokee

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father Nero Irons. Citizenship Col D

Mother Winnie Irons Citizenship Col D

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by Nero (Complainant)

Stenographer Jones B. C.

Rejected

Supl.C.F.R.#61.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 17th, 1901.

In the matter of the enrollment of Aggie Jones as a Cherokee Freedman the following testimony is offered on part of Applicant:

APPEARANCES:

Applicant present in person and by Agent, J. F. Faulds
Mr. Bell, of Counsel for Cherokee Nation.

AGGIE JONES, the Applicant, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aggie Jones.
Q Are you the Aggie Jones that applied to be enrolled at Fort Gibson in April, 1901? A Yes, sir

MR. FAULDS: Does your name appear upon the Wallace roll?

A Yes, sir.

COM'R NEEDLES: Were you ever married? A Yes, sir.
Q What was your husband's name? A Henderson Jones.

Wallace roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 119, No. 2507, Aggie Jones, Illinois district, 40 years of age; Note: "Wife of Henderson Jones."

MR. FAULDS: You would she about 52 years of age now? A Yes, sir
Q You would be 12 years of age when the war broke out? A Yes, sir.
Q And about 16 when it closed? A Yes, sir.
Q Now, who was your father? A Mere Irons.
Q Did you know if he went out of the Cherokee Nation during the war?
A No, sir, I never heard of him going out.
Q Didn't go out? A No, sir.
Q You know who owned him? A Mrs. Annie Irons.
Q I mean his Cherokee owner? A Yes, sir, she is Cherokee.
Q By blood? A Yes, sir
Q Well, when did he die, do you know? A No, sir, I don't remember when he did die, he died in september though when he died.
Q Let's see who owned you at the time the war broke out? A Mayfield.

MR. BELL: What Mayfield owned you? A Sallie Mayfield.
Q You was living in Russ County, Texas, when the war began wasn't you? A Yes, sir.
Q You had been there a number of years? A I don't know how long I had been there, My mother said we went away from here at the commencing of the war, what's what she said, I don't know, I was small.

MR. FAULDS: You want to think before you answer questions, you were asked the question, think before you answer.

MR. BELL: You don't know whether you were living in Russ County, Texas, or not; is that what you want to say? A Whether I was living there or not? A Yes, when the war began? A I went away from here at the commencing of the war.
Q Who did you belong to? A Miss Mayfield.
Q Where was she living? A In Texas.
Q And you belonged here, who were you living with?
A I was living with Miss Mayfield.
Q When the war began? A Yes, sir, went away from here with Wilson.
Q Well, you was about 12 years old when you went were you?
A Yes, sir, I guess I was.
Q Where did you start from when you left the Nation to go to Texas?
A Laid down in the bottom there, to this here ferry where And Wilson stayed.

Q You don't know whether that was Arkansas, Indian Territory, or Choctaw Nation, do you? A CherokeeNation they said.
Q Now, you have some recollection of where you were? A I ain't got much recollection now.
Q well, you are not telling anythi ng except what you have heard?
A I know that I went away from here is that I heard my folks say.
Q Now, what was Mrs. Mayfield's folks name? A I don't know.
Q Did she have any husband? A I guess she did. She didn't have none when I was with her, she was a widow.
Q Wher was she living? A Living in Texas.
Q Well, when did you come back here? A I come back here in '60 with Walker Mayfield is what he said.
Q Where did you stop at? A Stopped down there to Lila's sister and stayed there to Lila's sister's about a month as well as I can remember because I was going on to Walk Mayfield's place and there was Cherokees in the house and we had to go in Camp until they got out of the house and when they got out we moved to Walk Mayfield's place and stayed there about, stayed there one year to pay for coming out here, to pay him for fetching us.
Q Did you know any of Mrs. Mayfield's children? A Yes, sir, I knowed them all.
Q How many sons did she have? A Had two.
Q How many daughters? A I can't tell you how many daughters, but I can call the names, of all of them.
Q Now, you said that you were living with Ann Wilson when the war began and you said now you livedwith Sallie Mayfield? A That was a mistake I was living with Miss Mayfield.
Q You were living with Mrs. Mayfield instead of Ann Wilson?
A Yes, sir, I didn't intend to do it, it was all through a mistake.
Q Well, now, you said you were living near Fort Gibson?
A Fort Gibson when?
Q When the war began, that is another mistake i sn't it?
A It must be a mistake I don't remember it I don't remember saying it.
Q Now, you change it and say you were living in the family of Mrs. Sarah Mayfield instead of the family of Ann Wilson? A Yes, sir.
Q And Mrs. Mayfield lived in Texas? A Yes, sir.
Q Russ County? (No response.)
Q You belonged to Sallie Mayfield? A Yes, sir.
Q Before the war began? A Before the war began?
Q Yes, before the war began? A Well, when I come to my good recollection I was living with her.
Q well, you were living with her the first you know of? A Yes, sir. The first of my recollection I was living with her.
Q And that talk about having belonged to Ann Wilson at Fort Gibson is all a mistake? A Yes, sir

MR. FAULDS: You say that you were here in the Cherokee Nation when the war broke out? A No, sir.
Q When the war commenced? A I just told what I heard my mother say, say I went from here at the commencing of the war.
Q Well, you were here at the commencing of the war? A Yes, sir.

MR. BELL: You don't know anything about this do you?
A No, sir, not then, because I was small when I come to my recollection I was living with Mrs. Mayfield.
Q And you are always stating what people tell you here? A Well, things I know myself-
Q Well, about going to Texas and coming to the Cherokee Nation is just what you know about that is what your mother told you is it?
A Yes, sir, partly.
Q I am trying to get you to tell just what you know? A I was quite small, I can't tell much about it.
Q Now, how old are you now? A I don't know, I am about 51 or 2.
Q Well, you don't have any idea how old you are do you? A No, sir, I don't remember exactly.
Q And you think Wilson Mayfield carriedyou to Texas, do you?
A Yes, sir, that is what they tell me.

Q What was your mother's name? A Winnie.
Q Did she come back with you? A No, sir.
Q Did she die in Texas? A No, she died here; but she come here after I come.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows on part of Applicant:
MR. FAULDS: What is your name? A L. D. Daniels.
Q Your age? A 56.
Q Post office address? A Lenapah.
Q Do you know Aggie Jones, the applicant, in this case? A Yes, sir.
Q Who was her father? A Nero Irons.
Q Was Nero Irons a slave before the war? A Yes, sir.
Q Who owned him? A He belongedto Nancy Irons, or to Ann Irons, we called her Nancy sometimes and called her Ann.
Q Was she a Cherokee Indian by blood? A I think so.
Q Now, this Nero Irons you speak of did he go out during the war between the North and South? A No, sir, stayed right there at Fort Gibson.
Q Was there at the commencement of the war? A Yes, sir.
Q And during the war and after the war closed? A Yes, sir.
Q Well, when did he die? A I thi nk he diedin '72 or '73.
Q Well, had he resided in the Cherokee Nation all the time up to the time he died? A Yes, sir, he was there during the war and after the war.
Q He diedin '72 or '3? A Yes, sir, I disremember which.
Q Did you know George Irons and Aleck Irons? A I just got acquainted with them about six years ago, I didn't know them before.
Q Do you know who their father was? A They claimed that Nero Irons was the father, I didn't know it.
Mr. Bell waives examination.)

ALLEN LYNCH, being duly sworn by Commissioner Needles, testified as follows on part of Applicant:
MR. FAULDS: What is your name? A Allen Lynch.
Q Your post office is Vinita? A Yes, sir.
Q What is your age? A 61 years old.
Q Do you know Aggie Jones, the applicant? A No, si r, I don't know her.
Q Did you know Nero Irons? A Yes, sir, I know him.
Q Do you know what relation she is to Nero? A No, sir.
Q When did you first know Nero Irons? A First time I knowed him he was in the army at Fort Gibson in '64, I believe it was.
Q Do you know who owned him before the war? A No, I di dn't know his owners, just knowed him, acquainted with him.
Q Do you know if he went away from here during the war?
A He never went away in '64, I saw him there in '64 and I saw him there in the Spring of '67, he was there then.
Q Did he live in the Cherokee Nation up to the ti me he died?
A I don't know.
Q Do you know when he died? A No, sir, I was just acquainted with him and his family.
(Mr. Bell waives examination.)

IBBIE SMITH, being duly sworn by Commissioner Needles, testified as follows on part of applicant:
MR. FAULDS: What is your name? A Ibbie Smith.
Q What is your post office address? A Fort Gibson.
Q Do you know how old you are? A 46 years old.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q On the 1880 roll? A Yes, sir.
Q Do you know Aggie Jones, the applicant? A Yes, sir.
Q When did you first know her? A I have been knowning her ever since I can remember back.
Q Well, do you know if she was out of the Cherokee Nation during the war? A Yes, sir.

Q Where was she? A In Texas.
Q When did you come back? A I don't know the year I come back, I come back in, with Mrs. Mayfield and Tom Steel.
Q But you are on the 1880 roll you say? A Yes, sir.
Q Well, did you the applicant, Aggie Jones, come back before or after you did? A We got here one or two days before she come, we crossed the river at Fort Smith one or two days before she did.
Q Do you know this of your own knowledge? A Yes, sir.

MR. BELL: Where were you when the war broke out? A I was in Flint.

COM'R NEEDLES: Cherokee Nation? A Yes, sir.

MR. BELL: At whose place? A John Thompson Adair's.
Q Who did you belong to? A John Thompson Adair.
Q Did you belong to him or his wife? A I belonged to his wife.
Q Where did you come back to when you returned? A Come back to Flint.
Q Who come with you? A Miss Mayfield and Tom Steel.
Q This woman, Sarah Mayfield, from Russ County, Texas? A Yes, sir.
Q And Tom Steel her son-in-law? A Yes, sir.
Q And you come a day or two ahead of the applicant? A Yes, sir.
Q Well, did you stop there and wait for them to catch up with you, or where did you see them first? A We stopped on this side of the river at Sarah Bell's.
Q And they come in while you were there at their place? A Yes, sir.
Q Who else come along in that crowd with you and Mrs. Mayfield and Tom Steel? A There was an Indian there called George Starr and Rob Mayfield.
Q That was all was it? A Mother and two brother.
Q You are certain you got here before this applicant? A Yes, sir.
Q You know that? A Yes, sir.
Q Where did you ever know her; you said you knew her all her days, where did you know her before the war? A I didn't know anything about her before the war, I knew her after we went down.
Q you didn't know her until she went to Texas? A No, sir
Q No, when did she go to Texas? A I don't know nothing about when she went.
Q Well, she was there when you got there? A Yes, sir.
Q You didn't leavee here until '61 or '2? A No, sir, I don't know what time I left.
Q She was living there at Mrs. Mayfield's when the daughter of Mrs. John Thompson Adair took you there? A Yes, sir.

HENDERSON JONES, being duly sworn by Commissioner Needles, testified as follows on part of Applicant:

MR. FAULDS: Your name is Henderson Jones? A Yes, sir.
Q What is your age? A I suppose my age would be 51 2 or 3.
Q What is your post office? A Fort Gibson.
Q Are you the husband of Aggie Jones, the applicant? A Yes, sir.
Q How long have you been married to her? A I guess I have been married to her about 20 or 25 years.
Q What is the stateof her mind at the present time? A She has not got a really settled mind at the present time; she has been a sickly woman for about 20 years and she has had a little bit better health for the last two or three years than she has for years; I hate had doctors to wait on her, and at the time I went to the Wallace roll to get the money they asked me where she was and I said she was sick.
Q Is her mind good now? A No, sir, she can't recollect a great deal in the way at all she has been sick for quite a while, 12 years hasn't done much help at all.

MR. BELL: You are this applicant's husband, are you? A Yes, sir.
Q Are you a doctor? A No, sir.
Q Did you know anything about her 30 years ago? A No, I don't know;

I can't zsay about that, I can remember about her, know something about her since me and her was married.
Q You didn't know anything about her 30 years ago? A No, sir.

POLLY NIVENS, being duly sworn by commissioner Needles, testified as follows on part of Applicant:

MR. FAULDS: What is your name? A Polly Nivens.
Q What is your age? A 56, going on 57.
Q Your post office address? A Fort Gibson.
Q Do you know Aggie Jones, the applicant? A Yes, sir.
Q How long have you known her? A All of my life.
Q Do you know when she returned to the Cherokee Natio n, did you see her? A Yes, sir; she returned in the fall after peace was made; but I can't tell you exactly the month it was in, she come in Sequouyah.

MR. BELL: Where did you say you was living? A W was living here at Fort Gibson, close to Gibson.
Q She come where? A She come in Sequoyah and she said she had been in Sequoyah three weeks and she come on up to Gibson at my house and stayed about three or four weeks.

COMIR NEEDLES: Was she a slave? A Yes, sir.
Q Who did she belong to? A Let's see, who was her Mistress name I know her Mistress; Oh, Lucy, no? I have forgot her mistress' name; what was her Mistress' name?

MR. BELL: Well, if you don't know it say so. A I have forgot it.

COM'R NEEDLES: Was she taken out of the Cherokee Nation during the war? A Yes, sir.
Q How do you know? A She said she was when she come to my house and stayed there with ys.

Com'r Needles: This testimony will be filed.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transdript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 23d, 1901.

Commissioner.

C.F.R-51.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 18, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Aggie Jones for enrollment as a Cherokee freedman.

Appearances:
The applicant appeared in person.

Attorney for the Cherokee Nation was notified by mail on October 19, 1903, that a hearing in this case would be had at the offices of the Commission at Muskogee, Indian Territory, on November 18, 1903, and that at said time and place he would be permitted to appear and introduce testimony to rebut that offered by the applicant.

G.H.SCOTT, being first duly sworn, testified as follows in her own behalf:

BY COMMISSION: What is your name? A Mrs. G. H. Scott.
Q What is your postoffice? A Fort Gibson.
Q Were you born since the war? A I was born in 1855.
Q Do you know this applicant, Aggie Jones? A Yes sir, I have known her all my life.
Q Did you know her before the war? A Why yes.
Q Who was her owner? A Mrs. Sallie Mayfield, she was my grandmother.
Q Was Sallie Mayfield a Cherokee citizen? A Yes sir.
Q Did this applicant, Aggie Jones, belong to her at the commencement of the rebellion? A She never belonged to anybody else. She was born and raised my grandmother's slave, belonged to her.
Q Did your grandmother go out of the Cherokee Nation during the rebellion? A She went before the rebellion.
Q About when did she leave? A I can't tell you just the exact time, but my grandmother and grandfather left this country with my father several years before the rebellion.
Q What is your father's name? A John Harnage.
Q Your father, John Harnage, and Sallie Mayfield -
A And my grandfather Mayfield -
Q Left the Cherokee Nation several years before the commencement of the war? A yes sir, but I don't know just how many years. I was born in this country but they left when I was just a child.
Q Did you go with your father at that time? A Yes sir, of course
Q You don't remember how many years that was prior to the commencement of the war, do you? A No, I was born in this country, I was born in '55, and they left here just when I was a child A year or two old, I can't remember when they left here.
Q Where did you all go to at that time? A Texas.
Q How long did you all stay there in Texas? A My grandmother stayed there until just after the rebellion. You mean my father?
Q Yes? A We never came back here till ten years ago, I believe,

He died here.
Q Now was this applicant with your grandmother all the time till the close of the war in Texas? A Yes sir, until the close of the war, then Aggie came back here.
Q During all that time that Mrs. Mayfield remained in Texas she still claimed to be a Cherokee citizen? A Yes sir. They kept their citizenship renewed. Them times you had to have your citizenship renewed every five years.
Q When did Mrs. Sallie Mayfield return to the Cherokee Nation after the war? A I don't remember those dates at all.
Q You don't remember when she left Texas do you? A No sir. I remember when she left but I don't remember the dates, it was right after the close of the war.
Q Do you know where this applicant, Aggie Jones, has been living since the close of the war? A Living in the Cherokee Nation, I have been living here for 27 years I believe, and I only know of her since I have been living here.
Q Has Aggie Jones been living in the Cherokee Nation all the time during the last 27 years? A Yes sir, since I have been knowing her, and I guess before then, but I couldn't testify to that. I have known her all my life, I have known her here 27 years.
Q Since you have been here the last time, during the last 27 years she has never lived outside the Cherokee Nation, has she?
A No sir.

AKEY BENGE, being first duly sworn, testified as follows in behalf of the applicant:

BY COMMISSION: State your name? A Akey Benge.
Q How old are you? A I am 57 years old.
Q What is your postoffice address? A Ft. Gibson.
Q When did you first get acquainted with Aggie Jones, this applicant here? A It has been several years ago, but then I wasn't acquainted with her. I just knew her about the time they got back from Texas.
Q Do you know what time she came back from Texas? A Yes sir, she came back in '67, in the spring of '67.
Q Was it before or after February, '67? A It was along about the last of February.
Q Was it after the 19th of February, 1867? A I couldn't say whether it was or not.
Q Why do you think it was the latter part of February?
A Because it was cold weather yet, but I don't remember the date when they come. I remember Aunt Sallie Mayfield come up in Flint. She came with two of her sons, she had a place up there, her and her son-in-law, Mr. Still, and they made a crop up there.
Q You say this applicant returned with Sallie Mayfield and two of her sons, what was their names? A Walker and Wilson Mayfield.
Q Was there anyone else in the party that returned with them?
A Yes sir, Mr. Tom Still and his wife and child.
Q Anybody else that you know of? A Walker Mayfield's family and Wilson Mayfield's family.
Q They all came back together? A Yes sir.
Q All come from the same place, all come from Texas? A I guess they did, that is where they lived. I couldn't say where they come from, but there is where they always lived as far as I knew anything about.
Q Where did they come to when they came back to the Cherokee Nation, what place? A Mr. Walker Mayfield came back on his farm on this side of the river from Ft. Smith, Sequoyah District, and Wilson Mayfield went to Flint District.
Q Where did this applicant go to? A I don't know where she stopped at.

Q Do you know where Mrs. Sallie Mayfield stopped at?
A With her son-in-law, up in Flint District, a few miles from Evansville.
Q To the best of your judgment how many weeks after Christmas was it that they returned? A Now I don't know, I couldn't say, never thought anything about it.
Q But you say, to the best of your judgment, that they returned in the latter part of February, '67? A yes sir, as near as I can recollect.
Q 1867? A yes sir, 1867. The reason why I know so well my husband was down there when they crossed the river coming on this sied.
Q Down where? A Fort Smith.
Q Was he working there at that time? A Nosir, he had just gone down to Ft. Smith and he was well acquainted with Mr. Walker Mayfield.
Q They come across from Ft. Smith to the Cherokee Nation?
A yes sir, they crossed over in the nation right from Ft. Smith.
Q The how did you get the information? Did you get it from your husband that they come back at that time? A I know about them coming back at that time.
Q Did you see them at that time? A No sir, I didn't see them right when they crossed over but I saw them afterwards.
Q About how long afterwards did you see them?
A It wasn't long, a few weeks afterwards. I was at Autn Sallie Mayfield's after she moved up in Flint?
Q How long was that? A They had made a crop up there, that was along in July when I stayed up there.
Q July, 1867? A July, 1867.
Q Was Sallie Mayfield a Cherokee citizen? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q She was a Cherokee citizen before the war? A yes sir, but she had moved to Texas and then she would always come back.
Q Do you know when she went to Texas? A No sir, I don't remember the date when she went to Texas.
Q Do you know whether it was several years before the war or not?
A yes sir, it was several years before the war, but then she would always come back. She never did lose her citizenship here.
Q She still claimed her citizenship in this nation? A Yes sir, she always come back to keep from losing citizenship. If they go off and stay a certain time they would lose their citizenship here and they would have to have it reinstated.

NATE JOHNSON, being first duly sworn, testified as follows in behalf of the applicant:

BY COMMISSION: What is your name? A Nate Johnson.
Q How old are you? A 41.
Q Were you born before the war? A About the close of the war.
Q When did you first get acquianted with Aggie Jones?
A '67, she come to my mother's, they lived down in Sequoyah.
Q 1867? A Yes sir.
Q She came to your mother's at that time? A Yes sir.
Q Where were you living at that time? A Sequoyah District.
Q In the Cherokee Nation? A yes sir.
Q About how old were you at that time? A I was a good big boy.
Q What time of the year was it she came there? A Along in the spring.
Q Was there any snow on the ground? A No sir, there wasn't any snow on the ground. It was along about planting time, planting corn and cotton.
Q She just came to the Cherokee Nation?

A She had been there for awhile she told my mother.
Q That was in the year '67? No response.
Q Have you known her ever since then? A Yes sir.
Q Where has this applicant, Aggie Jones, lived since that time?
A She lived in Flint -- here at Four mile Branch, then in Flint and back in Sequoyah, then at four mile branch she has been remaining ever since.
Q Has she lived in the Cherokee Nation ever since 1867? A Yes sir
Q She has never lived outside the Cherokee Nation since that time?
A No sir.
Q You couldn't say of your own knowledge just when she came back from Texas? A No sir.
Q Did you say you were 41 years old? A Yes sir, as near as I can get at it.
Q So far as you know were you born after the war or before the war? A Along about the close of the war as near as I can get at it, the way my mother said to me.
Q How do you recollect that this woman came to your house in '67, what fixes that in your mind? A Because this man Walker Mayfield came to my mother's seveeral times, they lived close. He said one of the slaves is right back in this country now.
Q How do you fix the date, 1867? A I heard them speak of it. That's why I hold that, and it has been an old custom ever since, '66 and '67.
Q If you were born right at the close of the war, you couldn't have been more than two or three years old. A I was a good big boy. I am just guessing at my age. I don't know my age, only what my parents said. I don't know my age exactly. May be older and might not be so old.
Q All you know of your age is that your mother told you you were born at the close of the war, is that right? A Yes sir.

AGGIE JONES, applicant in this case, being first duly sworn, testified as follows in her own behalf:

BY COMMISSION: What is your name? A Aggie Jones.
Q How old are you? A I don't know.
Q Were you born several years before the war? A Do you remember the war? A Yes sir, I sort of remember it.
Q You were you here during the war, were you, you were not in the Cherokee Nation while the war was going on?
A I don't know, might have been.
Q Do you remember the time when you went with Mrs. Sallie Mayfield to Texas? A No sir, I was quite small. To my recollection I was living with her.
Q Where were you living at your earliest recollection?
A Living with Mrs. Mayfield.
Q Where? A In Texas.
Q Do you remember coming back with Mrs. Mayfield from Texas?
A Yes sir, all come back together.
Q Who all come back together? A Mrs. Mayfield and Tom Still, Wilson and Walker, then is her sons.
Q What are their full names? A Walker Mayfield and Wilson Mayfield, Tom Still, and Mrs. Mayfield, Sallie Mayfield.
Q You came along with all these people, did you, from Texas?
A Yes sir.
Q Where did you come to in the Cherokee Nation? A Came across the river at Fort Smith, and come down there on Walker Mayfield's place.

Q Do you remember seeing Riddle Benge there at the time you crossed the river? A It might have been. I heard Mr. Mayfield talking to a Benge. I wasn't acquainted with them. He says, "Hello , Walker, you made it in time, didn't you?"
Q Who said that? A That is what this Benge told Mr. Mayfield.
Q Did you hear him say that? A Yes sir.
Q You saw him, then, did you, at the bridge?
A yes sir, I saw hi .
Q You didn't know who he was? A No sir.
Q How did you find out who he was afterwards?
A I heard the old ones talking about it.
Q They said that was Riddle Benge? A yes sir.
Q What time of the year was it you crossed over from Fort Smith?
A It was in the winter, it was, when we crossed the river. I don't know one month from another, but it was cold.
Q Any snow on the ground? A yes sir, it was snowingand sleeting when we crossed the river.
Q Any ice in the river? A No sir, I don't reckon there was, or we couldn't have crossed over.
Q Was it before Christmas or after Christmas? A It was after Christmas.
Q Do you remember what year that was you first came to the Cherokee Nation after the war? A No sir, I don't know the datesof the year.
Q You couldn't say? A No sir.
Q Don't know what month it was? A No sir, I couldn't tell you, because I don't know.
Q Where did you come to after you come over to the Cherokee Nation?
A Over to Walker Mayfield's place, and stayed there and made a crop there.
Q What district is that? A Sequoyah.
Q You stayed there and made a cr p? A Yes sir.
Q Who did you find there, what colored people were living around there at that time? A This man's family was there, Adeline Johnson, Joe Johnson, Sarah Johnson.
Q Name any other colored people living there at that time?
A Aaron Johnson- it hasbeen so long I most forget all the people.
Q Can you name anybody else living there when you first came there? What Cherokee Indians were living there, can you name any of them?
A There was a heap of them living there, but I done forgot them, full bloods and half breeds too.
Q How long was it after you first come there before you started to put in a crop? A I don't reckon it was very long before we went and put in a crop, because we went right to cleaning up.
Q Did the men folks start to put in a crop as soon as you got there?
A No sir, theywent to building fence and sprouting. The fence was all down, and they went to building fence.
Q Where have you been liv ng since that time?
A Since I come over down there?
Q Since you came back to the Cherokee Nation after the war
A I lived down in Sequoyah, and went over there to Flint, and from Flint to right where I am now on Four Mile Branch.
Q Have you been living in the Cherokee Nation continuously since you returned after the war from Texas?
A Yes sir, ever since I came back, I have been living right here in the Cherokee Nation. Aint been nowhere.
Q Never lived outside the Chero kee Nation?
A No sir, never did.
Q Do you know what year this is? A No sir, I can't read and write, so I don't know until I hear somebody else say so, then I might easy forget it then.

Q You can' t remember the years then, when anything happens?
A If a thing happens I start to remember then if anything happens.
Q Do you remember what year the Wallace payment was made?
A No sir, just only know it was made, that's all.
Q Can you remember when the Kern-Clifton roll was made? A No sir.
Q Did you draw money on the Wallace payment? A Yes sir.
Q Do you remember the year when you drew that money? A No sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 23rd day of November, 1903.

Charles R Sawyer
Notary Public.

Cherokee Freedmen N 81.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Aggie Jones for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record herein shows that on April 18, 1901, Aggie Jones appeared before the Commission at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee Freedman. The application also included her husband, Henderson Jones, but he is differently classified and not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 17, 1901, and at Muskogee, Indian Territory, November 18, 1903.

The evidence shows that the applicant was, at the commencement of the rebellion, the slave of Sallie Mayfield, a Cherokee citizen, by whom said applicant was taken to the State of Texas some years before the war; the applicant remained in Texas during said rebellion and did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the said nation.

The name of Aggie Jones is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Aggie Jones as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
Date AUG - 5 1904

Cherokee Freedmen
R-51.

Muskogee, Indian Territory, October 17, 1903.

Aggie Jones,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to whether you returned to the Cherokee Nation within the time specified in the treaty of 1866, and as to whether your owner, Sallie Mayfield, was a Cherokee citizen.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-61,

Muskogee, Indian Territory, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Aggie Jones for enrollment as a Cherokee freedman, including the Commission's decision dated August 5, 1904, rejecting said application.

Respectfully,

T. B. Needles.

Encl. S-39. Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-51.

Muskogee, Indian Territory, August 13, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated August 8, 1904, rejecting the application of Aggie Jones for enrollment as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Encl. S-38.

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-51.

Muskogee, Indian Territory, August 13, 1904.

A. S. McRea,
Representing J. S. Faulds,
Attorney for Aggie Jones,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated August 5, 1904, rejecting the application of Aggie Jones for enrollment as a Cherokee freedman, together with a copy of the record of supplemental proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is advised of the same.

Respectfully,

T. B. Needles.

Encl. S-37.
Register.

Commissioner in Charge.

(C O P Y)

Refer in reply
to the following:
Land.
56065-1904

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON , September 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 13 1904 transmitting the record of the application for enrollment of Aggie Jones as a Cherokee freedman.

August 5, 1904, the Commission decided adversely to the applicant.

The record shows that at the beginning of the war of the rebellion the applicant was the slave of a Cherokee citizen residing in the State of Texas; that the applicant was not in the Cherokee Nation during the war and that she did not enter the Cherokee Nation on or before February 11, 1867.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

W. A. Jones

Commissioner

MMM.M.
W.

(C O P Y)

W. C. F.
LLB
J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON

I.T.D. 7102-1904.
D.C.34258

September 10, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 13, 1904, you transmitted the record in the matter of the application of Aggie Jones for enrollment as a Cherokee freedman, including your decision of August 5, 1904, rejecting the applicant.

Reporting September 1, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. Copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure.

COPY.

Cherokee
Freedmen R 51

Muskogee, Indian Territory, October 4, 1904.

Aggie Jones,

Fort Gibson, Indian Territory.

Dear Madam:

You are advised that the Commission's decision dated August 5, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
R 81

Muskogee, Indian Territory, October 4, 1904.

A. S. McRea,

Attorney for Aggie Jones,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the application for the enrollment of Aggie Jones as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
R 62

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Tahlequah, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated August 5, 1904, rejecting the application for the enrollment of Aggie Jones as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

C. F. 851

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 30 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft, Gibson, Ind. Ter. April 30th., 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Aggie Jones, for the enrollment as Cherokee Freedmen of the Cherokee Nation.

J. H. Tauld
Attorney for Applicant.

Enc. R 51.

CHEROKEE FREEDMEN

IN THE MATTER OF THE APPLICATION OF

Aggie Jones

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

1. Original testimony. Apl. Ex.
2. Mem. of application, "
3. Atty's receipt for testimony
4. Supplementary testimony 10/31/01

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 10 1904

Dawes Ex Docket No R 173

Cher Fr R 52

Cher Fr R 52

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 10, 1901.

In the matter of the application of Benjamin Foreman for the enrollment of himself and two children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Benjamin Foreman.
Q How old are you? A About 36.
Q What is your postoffice address? A Foreman, I. T.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as aCherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No sir.
Q Who do you desire to enroll besides yourself? A Two children.
Q What are the names of your children? A Sylvester.
Q How old is he? A Five years old.
Q The name of the next child? A Etha.
Q How old is Etha? A One year old the fifth of May.
Q Were you ever married? A Are you married? A No sir.
Q Were you ever married? A No sir.
Q Whose children are these? A A girl by the name of Maggie Harris.
Q Is she a citizen? A No sir.
Q She's the mother of these children? A Yes sir.
Q You never were married to her? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 697, No. 528, Benjaman Foreman, Sequoyah Dist.

Q Were you enrolled in 1896? A Yes sir, but I didn't draw; but I drawed in another fellow's name.
Q What is your father's name? A Jerry Foreman.
Q He living? A Yes sir.
Q What is your mother's name? A Ellen, I don't recollect her.
Q Is she living? A No sir, she died when I was a little boy.
Q You always lived in the Cherokee Nation? A Yes sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Was your name on the census roll before you drew money? A I guess so.
Q You always lived in the Cherokee Nation? A Yes sir.
Q Born and raised here? A Yes sir.
Q Living in the Cherokee Nation now? A Yes sir.

The name of Benjamin Foreman is found upon the authenticated roll of 1880, and not found upon the census roll of 1896; he is duly identified and makes satisfactory proof as to residence, and will be listed for enrollment as a Cherokee Freedman. He applies for the enrollment of two children, Sylvester and Etha, Sylvester five years of age, and Etha one year old; he avers they are the children of one Maggie Harris, a non citizen, to whom he was never married, consequently the application for the enrollment of said children will be refused and they will be rejected.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of April, 1901.

Commissioner.

Cherokee Freedmen R-52.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Silvester Foreman et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on April 19, 1901, Benjamin Foreman appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of his two minor children, Silvester and Etha Foreman, as Cherokee freedmen.

The evidence shows that Silvester and Etha Foreman are the children of Benjamin Foreman, born since 1880. The said Benjamin Foreman is identified on the Cherokee authenticated roll of 1880. The evidence further shows that Silvester and Etha Foreman have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Silvester Foreman and Etha Foreman should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

_____
Chairman.

T. B. Needles.
_____
Commissioner.

_____
Commissioner.

_____
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

MBG

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE,
WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-52.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of Benjamin Foreman for the enrollment of his two minor children, Silvester and Etha Foreman, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-19.

Chairman.

ENROLLED.

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Silvester Freeman et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony Apl 19 '01

B Testimony of applicant, " "

1 Birth certificate of Silvester Freeman

2 Birth certificate of Etha Freeman

Jacobson

Dawes Commission

Freedman

Card #576

Cher Fr R 53

Cher Fr R 53

(C O P Y)

To be filed in the case of Jenkins Counsel

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 18th 1901.

In the matter of the application of Mary Counsel for the enrollment of herself and five children as Cherokee Freedmen; said Counsel being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Mary Counsel.
Q How old are you? A. 50 years old.
Q What is yoir post office? A. Melvin, I. T.
Q What district do you live in? A. Tahlequah district.
Q Are you a recognized citizen of he Cherokee Nation? A. No sir.
Q What do you apply for to be enrolled? A. Cherokee Freedman, I was a Freedman of the Cherokees.
Q You have never been recognized you say? A. No sir.
Q Is your name on the rolls of the Cherokee Nation ? A I registered on the wallace roll.
Q Have you got a lawyer? A. No sir.
Q Were you a slave? A. Yes sir, I was the house girl for Jake Alberty
Q Where were you at the beginning of the war between the Confederacy and the United States? A. Im was up here on Flat Rock Creek.
Q In the Cherokee Nation? A. Yes sir.
Q Were you taken out during the war? A. Yes sir, Jake Alberty took me to Texas.
Q How long have you been back? A. About 13 or 14 years.
Q You staid in Texas until 13 or 14 years ago? A. I stayed there until I was grown and got married and my husband brought me back here.
Q Who do you want to enroll besides yourself? A. Eight or nine children.
Q How many under 21? A. Rachel Counsel.
Q How old is she? A. She is 20 years old.
Q What is the next ones name? A.Mary Counsel.
Q How old is she? A. 18 years old.
Q What is the name of the next one? A. Beatrice.
Q How old is she? A. 15 years old.
Q What is the next one? A. Annie.
Q How old is she? A. She is seven years old.
Q The next one? A. Jackson, five years old.
Q. Where were you married? A. Married in the state of Texas.
Q What is your husband? A. State man.
Q Where do you live? A. I lives in Tahlequah district, up here on Ranger Creek.
Q How long have you been living there? A. 13 years.
Q You came from Texas there? A. I came from Texas right to the Cherokee Nation.
Q Were these children born in Texas? A. Three of them was born.

The 1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant's name not found thereon.

1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Com'r Needles,-The name of Mary Counsel is not found upon any of the rolls of the Cherokee Nation in he possession of this Commission; she avers that she was a slave of one Alberty, and was taken to Texas, and did not return until twelve or thirteen years ago; she avers that she has three children, Rachel, Mary and Beatrice Counsel born in the state of Texas, and two, Annie and Jackson, born in the Cherokee

Mary Counsel.

Nation; because of the facts as developed in the testimony the application of Mary Counsel for the enrollment of herself and children as Cherokee Freedmen, will be refused.

+ + + + + + + + + +

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this April, 15, 1901.

M. B. Green.

SEAL Notary Public.

= =

I Chas. von Weise, a stenographer to the Commission to the Five Civilized Tribes, state upon my oath that the above and foregoing is a full, true and correct copy of the original transcript of the testimony and proceedings in the above entitled cause, made by said original transcript having been made by J. O. Rosson as stenographer.

Chas von Weise

Subscribed and sworn to before me this 23d day of April, 1901, at Fort Gibson, I. T.

Commissioner.

(C O P Y)

To be filed in the case of Jenkins Counsel

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 18th 1901.

In the matter of the application of Mary Counsel for the enrollment of herself and five children as Cherokee Freedmen; said Counsel being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Mary Counsel.
Q How old are you? A. 50 years old.
Q What is your post office? A. Melvin, I. T.
Q What district do you live in? A. Tahlequah district.
Q Are you a recognized citizen of the Cherokee Nation? A. No sir.
Q What do you apply for to be enrolled? A. Cherokee Freedman, I was a Freedman of the Cherokees.
Q You have never been recognized you say? A. No sir.
Q Is your name on the rolls of the Cherokee Nation ? A I registered on the wallace roll.
Q Have you got a lawyer? A. No sir.
Q Were you a slave? A. Yes sir, I was the house girl for Jake Alberty
Q Where were you at the beginning of the war between the Confederacy and the United States? A. I was up here on Flat Rock Creek.
Q In the Cherokee Nation? A. Yes sir.
Q Were you taken out during the war? A. Yes sir, Jake Alberty took me to Texas.
Q How long have you been back? A. About 13 or 14 years.
Q You staid in Texas until 13 or 14 years ago? A. I stayed there until I was grown and got married and my husband brought me back here.
Q Who do you want to enroll besides yourself? A. Eight or nine children.
Q How many under 21? A. Rachel Counsel.
Q How old is she? A. She is 20 years old.
Q What is the next ones name? A.Mary Counsel.
Q How old is she? A. 18 years old.
Q What is the name of the next one? A. Beatrice.
Q How old is she? A. 15 years old.
Q What is the next one? A. Annie.
Q How old is she? A. She is seven years old.
Q The next one? A. Jackson, five years old.
Q. Where were you married?A. Married in the state of Texas.
Q What is your husband? A. White man.
Q Where do you live? A. I live in Tahlequah district, we live on Ranger Creek.
Q How long have you been living there? A. 18 years.
Q You came from Texas there? A. I came from Texas right to the Cherokee Nation.
Q Were these children born in Texas? A. Three of them was born.

The 1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant's name not found thereon.

1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Com'r Needles.-The name of Mary Counsel is not found upon any of the rolls of the Cherokee Nation in the possession of this commission; she proves that she was a slave of the Alberty, and was taken to Texas, and did not return until [illegible] or thirteen years ago; she proves that she had three children, Rachel, Mary and [illegible] born in Texas.

Mary Counsel.

Nation; because of the facts as developed in the testimony the application of Mary Counsel for the enrollment of herself and children as Cherokee Freedmen, will be refused.

+ + + + + + + + +

J. O. Rosson, being ~~xxxx~~ first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson.

Subscribed and sworn to before me this April, 15, 1901.

M. D. Green.

SEAL

Notary Public.

= =

I Chas. von Weise, a stenographer to the Commission to the Five Civilized Tribes, state upon my oath that the above and foregoing is a full, true and correct copy of the original transcript of the testimony and proceedings in the above entitled cause, ~~xxxxxx~~ said original transcript having been made by J. O. Rosson as stenographer.

Chas von Weise

Subscribed and sworn to before me this 23d day of April, 1901, at Fort Gibson, I. T.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 19th 1901.

In the matter of the application of Jenkins Counsel for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

Q What is your name? A. Jenkins Counsel.
Q What is your post office address? A. Melvin.
Q In what district do you live? A. Tahlequah
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir
Q Have you ever applied for enrollment as a Freedman of any other Nation? A. No sir.
Q Who do you want to apply for at this time besides yourself? A. Just myself.
Q Have you always been recognized as a Cherokee Freedman by the Cherokee Authorities? A. My mother proved up here last week.
Q Is your name on the authenticated roll of 1880? A. I dont know.
Q Did you draw strip money in 1896? A. No sir.
Q What is your fathers name? A. Andrew Counsel.
Q Is he a citizen? A. No sir.
Q What is your mothers name? A. ~~Manix~~ Mary Alberty-nee Counsel.
Q Is she living? A. Yes sir.
Q Is your mother a citizen? A. Yes sir.
Q Is her name on the roll of 1880? A. Not as I knows of.
Q Are you a brother to Malinda Albert nee McLain? A. No sir.
Q Who, did your mother belong to? A. Jake Alberty.
Q Where were you born? A. In Texas.
Q When did you come to the Cherokee Nation? A. When she come
Q When did she come? A. About 14 years ago.
Q You never was in the Cherokee Nation before hat? A. I wasn't.
Q Was your mother here before that? A. Yes sir.
Q When was she here before that? A. Before the war.
Q Did she go out during the war? A. Yes sir.
Q Where did she go? A. To Texas.
Q When did she return? A. 14 years ago,
Q And she has been in Texas all the time from just before the war until 14 years ago? A. Yes sir there and in Arkansas.

The, 1880 authenticated roll, the 1896 census roll and the Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant nor that of his mother are found thereon.

By Com'r Needles,-

The name of Jenkins Counsel is not found on the authenticated roll of 1880 or the census roll of 1896, or on the Kerns Clifton pay roll; he avers that he was born and raised in the State of Texas, and that he staid there until about 14 years ago. He avers that his mother ~~Mary~~ is Mary Counsel, but her name is not found on the authenticated roll of 1880, and reference is made to the testimony taken in her case, which is Cherokee Freedman, Card R 44. Consequently the application which he makes for his enrollment at this time will be refused and he will be rejected.

+ + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Unintelligible)

Subscribed and sworn to before me this the 18th of April, 1901, at Fort Gibson, I. T.

C. M. Breckinridge.

Commissioner.

B. C. W. 33

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 19 1901

Acting Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 19 1901

Post Office Inelvin

District

1. Name Jenkins Conrad Age 29.

Owner's name Citizenship

Year Page No. District

Parents:

Father Andrew Conrad Citizenship Col Non-Citizen.

Mother Mary Conrad (nee Alberty) Citizenship Col

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by JW G Stenographer Van Weine Clerk

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

a7mg

In the matter of the application for the enrollment of Mary Counsel Sr., et al., as Cherokee Freedmen, consolidating the applications of:

Mary Counsel Sr., et al.,	Cherokee Freedman R 44
Jenkins Counsel,	Cherokee Freedman R 53
Sallie Brooks, et al.,	Cherokee Freedman R 54.

D E C I S I O N.

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Mary Counsel Sr., for herself and minor children, Rachel, Mary Jr., Beatrice, Annie and Jackson Counsel; by Jenkins Counsel for himself; and by Sallie Brooks for herself and her minor children, Henry K. Brooks, Rider S., Jodie, Mattie and James Vann, and Ellis Carter.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Mary Counsel Sr., was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Rachel, Mary Jr., Beatrice, Annie, Jackson and Jenkins Counsel, Sallie Brooks and Henry K. Brooks, are descendants of the said Mary Counsel Sr., were born since 1866, and possess no rights to enrollment other than as such descendants; and that the minor applicants, Rider S., Jodie, Mattie and James Vann, and Ellis Carter, are children of the said Sallie Brooks, were born since 1880, and after ample opportunity having been afforded, it is not satisfactorily established that

they possess any rights to enrollment other than as descendants of their said mother. Consequently, the application for their enrollment should be adjudicated under the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-1904), William Rector (I.T.D. 1468-1904), Minnie Duncan et al. (I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Ed Williams (I.T.D. 4230-1904) and Moses Ross (I.T.D. 6056-1904).

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

Attention is called to the allegations made by the mother, and testimony of the alleged fathers, in this case, tending to show that certain minor applicants herein are the illegitimate offspring of men whose rights to enrollment as Cherokee freedmen have been heretofore conclusively established. Aside from the fact that the gross immorality the mother and alleged fathers of said minor applicants acknowledge themselves guilty of is, in itself, sufficient to discredit their testimony and render it of little value, it is considered by the Commission that to grant the application for enrollment of illegitimate minor applicants on the testimony of their mothers and putative fathers alone, would be to establish a dangerous precedent-- one which could not be safely followed.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Mary Counsel Sr., Rachel Counsel, Mary Counsel Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattie Vann and James Vann, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.
Commissioner

(SIGNED) C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 30 1905

COPY.

Cherokee Freedmen

S-53.

Muskogee, Indian Territory, June 30, 1905.

Jenkins Counsel,

Melvin, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrolment as a Cherokee freedman, together with a copy of the Commission's decision dated June 30, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Lmsl. 6-17
Secretary

Cherokee Freedmen

R-44, et al.

Muskogee, Indian Territory, June 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications for the enrollment of Mary Counsel Jr., et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Incl. S-19

Chairman.

Cherokee Freedmen
R-44, et al.

Muskogee, Indian Territory, June 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Mary Counsel Jr., et al., as Cherokee freedmen, including the Commission's decision dated June 30, 1906, rejecting said applications.

Respectfully,

Incl. 8-20

(SIGNED). Tams Bixby.
Chairman.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

LAND
50925-1905.
101428-1905.

September 12, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

On August 10, 1905, the Office transmitted to the Department the record in the matter of the application for enrollment of Mary Counsel, Sr., et al., as Cherokee freedmen, and on the 8th of December, 1905, requested the Department to return the record for further consideration.

Mary Counsel made application before the Commission on April 12, 1901, for the enrollment as herself and five minor children as Cherokee freedmen. It is shown by the testimony that she was the slave of one Jake Alberty and was taken from the Nation to Texas during the War. She was married in Texas to a citizen of that State. By her own testimony, she did not return to the Nation until about the year 1867, and three of her five minor children were born in Texas, two in the Nation. Her name does not appear on any of the rolls of the Cherokee Nation.

Jenkins Counsel made application for his enrollment before the Commission on April 19, 1901. He was son of Mary Counsel, Sr., was born in Texas, and returned to the Cherokee Nation

D.C.44575 JYJr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.17180-1906. October 2, 1906.

J.P.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On September 12, 1906 (Land 101428-06), the Indian Office submitted the record in the matter of the application for the enrolment of Mary Counsel, Sr., Rachel Counsel, Mary Counsel, Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattie Vann, and James (Jenks) Vann, as Cherokee freedmen, and recommended that the decision of the Commission to the Five Civilized Tribes of June 30, 1905, adverse to the applicants, be affirmed. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission is hereby affirmed.

The record in the case has been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

Through the Commissioner
of Indian Affairs.
1 ins. and 2 for Ind. Of.

about the year 1887. He bases his right to enrollment as a Cherokee freedman through his mother. His name does not appearon the Cherokee roll of 1880, or on the census roll of 1896, or on the Kerns-Clifton pay-roll.

Sallie Brooks, a daughter of Mary Counsel, Sr., applied for enrollment as a Cherokee freedman on April 19, 1901, for herself and six minor children. It is shown by the testimony that she was born in Texas, and married and lived for a time in Arkansas; and that she returned to the Nation with her mother about the year 1887. It is also shown that five of herminor children are illegitimate, she claiming that one Andy Vann, a Cherokee freedman, is the father of Rider S. Vann, aged ten, Jodie Vann, aged nine, Mattie Vann, aged five, and Jenks Vann, aged three, and that one Andy Carter, an enrolled Cherokee freedman, is the father of Ellis Carter, aged seven. Both of these men were witnesses before the Commission, Andy Vann testifying that it was possible that he was the father of Rider S. and Jodie Vann, but that he was not the father of Mattie Vann nor Jenks Vann. Andy Carter claimed that he did not know who was the father of Ellis Carter. The most that he knew was that Sallie Brooks claimed that he was the father of the child.

Under Section 2, of the Act of April 26, 1906, for the purposes of enrollment, illegitimate children take the status of the mother, hence even if there was no question as to the father of these five children, they could not be enrolled as

freedmen unless through their mother.

The evidence in this case shows that Mary Counsel, Sr., the principal applicant, left the Cherokee Nation during the Civil War, and did not return thereto again until about the year 1887, nearly twenty years after the time specified in the treaty between the United States and the Cherokee Nation, and that her name does not appear on any of the authenticated Cherokee rolls. All of the other applicants in this case were born since 1866, and possess no rights to enrollment other than as descendants of the principal applicant.

The Office therefore recommends that the decision of the Commission denying the enrollment of Mary Counsel, Sr., Rachel Counsel, Mary Counsel, Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattiw Vann, and James (Jenks) Vann, as Cherokee freedmen, be affirmed.

The record in this case is transmitted herewith.

Very respectfully,

W. R. Leupp,

Commissioner.

EWE-LC...:

Cherokee F.
R. 53.

Muskogee, Indian Territory, October 16, 1906.

Jenkins Counsel,

Melvin, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, your application for enrollment, as Cherokee freedmen, was affirmed by the Secretary of the Interior October 2, 1906.

Respectfully,

Commissioner.

LMC

Cherokee M.
R. 44 et al.

Muskogee, Indian Territory, October 16, 1906.

William P. Rasmus,

Attorney for Mary Counsel, Sr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications of Mary Counsel, Sr., et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-46
LMC

Cherokee F.
R. 44 et al.

Muskogee, Indian Territory, October 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications of Mary Counsel, Sr., et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-48
LMC

ENROLLMENT

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Jenkins Counsel

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony Apl 1902
B. Mem. of application, Apl 1901
C. Testimony from case of Mary Counsel

Copy in Mary Lindsey
with Freedmen Roll.

See Cherokee Freedman
Docket. R 53

Cher Fr R 54

Cher Fr R 54

(C O P Y)

To be filed with case of Sallie Brooks.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 18th 1901.

In the matter of the application of Mary Counsel for the enrollment of herself and five children as Cherokee Freedmen; said Counsel being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Mary Counsel.
Q How old are you? A. 50 years old.
Q What is your post office? A. Melvin, I. T.
Q What district do you live in? A. Tahlequah district.
Q Are you a recognized citizen of the Cherokee Nation? A. No, sir.
Q What do you apply for to be enrolled? A. Cherokee Freedman, I was a Freedman of the Cherokees.
Q You have never been recognized you say? A.No sir.
Q Is your name on the rolls of the Cherokee Nation? A. I registered on the Wallace Roll.
Q Have you got a lawyer? A. No sir.
Q Were you a slave? A. Yes sir, I was the house girl for Jake Alberty
Q Where were you at the beginning of the war between the Confederacy and the United States? A. I was up here on Flat Rock Creek.
Q In the Cherokee Nation? A. Yes sir.
Q Were you taken out during the war? A. Yes sir; Jake Alberty took me to Texas.
Q How long have you been back? A. About13 or 14 years.
Q You staid in Texas until 13 or 14 years ago? A. I stayed there until I was grown and got married and my husband brought me back here.
Q Who do you want to enroll besides yourself? A. Eight or nine children.
Q How many under 21? A. Rachel Counsel.
Q How old is she? A. She is 20 years old.
Q What is the next one's name? A. Mary Counsel.
Q How old is she? A. 18 years old.
Q What is the name of the nert one? A. Beatrice.
Q How old is she? A. 15 years old.
Q What is the next one? A. Annie.
Q How old is she? A. She is seven years old.
Q The next one? A. Jackson, five years old
Q Where were you married? A. Married in the State of Texas.
Q What is your husband? A. State man.
Q Where do you live? A. I lives in Tahlequah district, up here on Ranger Creek.
Q How long have you been living there? A. 13 years.
Q You came from Texas there? A. I come from Texas right to the Cherokee Nation.
Q Were these children born in Texas? A. Three of them was born.

The 1880 authenticated roll of the Cherokee citizens of the Cherokee Nation examined, and applicant's name not found thereon.

The 1896 census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon. .

Com'r Needles,-

The name of Mary Counsel is not found upon any of the rolls of the Cherokee Nation in the possession of this Commission; she avers that she was a slave of one Alberty, and was taken to Texas, and did not return until twelve or thirteen years ago; she avers that she has three children,

Rachel, Mary and Beatrice Counsel, born in the state of Texas, and two, Annie and Jackson, born in the Cherokee Nation, because of the facts as developed in the testimony, the application of Mary Counsel for the enrollment of herself and children as Cherokee Freedmen, will be refused.

- - - - - - - - - - - -

J. D. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Rosson

Subscribed and sworn to before me this April,15, 1901.

SEAL

M. D. Green

Notary Public.

. . . . . .

~~I, Charles von Weise, upon my oath state that as stenographer to the Commission to the Five Civilized Tribes I reported in full all the proceedings in the above~~

I Chas. von Weise, a stenographer to the Commission to the Five Civilized Tribes upon my oath state that the above and foregoing is a full, true and correct copy of the original transcript of the testimony and proceedings in the above entitled cause, said original transcript having been made by J. D. Rosson as stenographer.

Chas von Weise

Subscribed and sworn to before me this the 22d day of April, 1901, at Fort Gibson, I. T.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T, April, 18th 1901.

In the matter of the application of Sallie Brooks for the enrollment of herself and six children as Cherokee Freedmen: she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Sallie Brooks.
Q How old are you? A. 31.
Q What is your post office address? A. Tahlequah.
Q In whatdistrict do you live? A. Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you ever applied for enrollment as a Freedman of any other Nation? A. No sir.
Q Is your name on the roll of 1880? A. I cannot tell.
Q Who do you desire to have enrolled besides yourself? A. My children
Q How many? A. Six.
Q What is your fathers name? A. Andrew Counsel
Q What is your mothers name? A. Mary Counsel.
Q What are the names of your children? A. Henry K. Brooks.
Q How old is he? A. 13.
Q Next? A. Rider S. Vann.
Q How old? A. 10.
Q Next child? A. Jodie Vann.
Q How old? A. 9.
Q Next child? A. Ellis Carter.
Q How old is he? A. 7.
Q Next child? A. Mattie Vann.
Q How old ? A. 5.
Q Next child? A. James Vann.
Q How old? A. 3.
Q Are these children all living now? A. Yes sir.
Q Where were you born? A. In Texas.
Q When did you remove to the Cherokee Nation? A. About 14 years ago, I came with my mother.
Q And you say her name is Mary Counsel? A. Yes sir.
Q Did she live in the State of Texas? A. Yes sir.
Q Have you lived here ever since you returned from Texas? A. Yes sir
Q Are these children all your children? A. Yes sir.
Q Are you married? A. Not now.
Q Were you ever married? A. Yes sir.
Q What was your husbands name? A. H. F. Brooks.
Q Is he alive? A. Yes sir I think so.
Q Did you draw strip money? A. No sir.
Q Your name is not on any of the rolls of the Cherokee Nation is it? A. I dont know sir.

The 1880 authenticated roll, the 1896 census roll and the Kerns Clifton roll of the Cherokee Nation examined and the name of the applicants not found thereon.

By Com'r Needles,-

The name of Sallie Brooks in not found on the rolls of the Cherokee Nation; she avers that she is the child of Mary Counsel, and that she is the mother of six children whose names are set forth in the testimony. She avers that she was born in the State of Texas, and removed to the Cherokee Nation with her mother some 14 years ago. Further reference is made to the testimony in the case of her mother in case No. 44, Cherokee Freedmen. By reason of the fact that the name of Sallie Brooks and her children are not found on any of the rolls of the Cherokee Nation, and from the further fact that her citizenship is not satisfactorily proven, [illegible] finds against the [illegible]

case of her mother, Mary Campbell in case, Reid, Cherokee Freedman, the application for the enrollment of Sallie Brooks and her six children is refused and they will be rejected.

* * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 18th day of April, 1901, at Fort Gibson, I. T.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INT[illegible]
COMMISSION TO THE FIVE CIV[illegible] TRIBES.

FILED
APR 19 1901

[illegible] ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 19 1901

Post Office Tahl

District Tahl

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Sallie Brooks Age 31

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Andrew Counsel Citizenship .....

Mother Mary Counsel Citizenship .....

Names of Children:

3.	Henry H Brooks	Year	Page	No.	Dist.	13
4.	Rider S Vann	Year	Page	No.	Dist.	10
5.	Jodie Vann	Year	Page	No.	Dist.	9
6.	Ellis Carter	Year	Page	No.	Dist.	7
7.	Mattie Vann	Year	Page	No.	Dist.	5
8.	James Vann	Year	Page	No.	Dist.	2
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Self Stenographer Van Weise Clerk

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 18, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SALLIE BROOKS, et al., as Cherokee freedmen.

It appears that on May 28, 1904, the applicant and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 18, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant appears in person.
Cherokee Nation by its attorneys, W. W. Hastings and L. B. Bell.

SALLIE BROOKS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Sallie Brooks.
Q How old areyou? A 35.
Q What is your posteffice address? A Tahlequah, I. T.
Q You live in what district? A Tahlequah.
Q You claim right to enrollment as a Cherokee freedman? A Yes, sir.
Q You have applied here for yourself and six children? A Yes, sir.
Q Whatare their names? A Henry K. Brooks, Rider S. Vann, Jodie Vann, Illis Carter, Mattie Vann, James vann.
Q Is James the correct given name? A Jinks Vann.
Q His given name is not Jim? A No, sir.
Q Are they all living now? A All but one.
Q Which one is dead? A Mattie.
Q When did she die? A A little over a year ago.
Q Have all these children the same father? A No, sir.
Q Who is the father of Henry K. Brooks? A Henry Frank Brooks.
Q Who is the father of Rider S. Vann? A Andrew Vann.
Q Who is the father of Jodie vann? A Andrew Vann.
Q Who is the father of Illis Carter? A Andy Carter, living out on Fourteen Mile Creek.
Q Who is the father of Mattie Vann? A Andy Vann.
Q Who is the father of Jinks Vann? A Andy Vann.
Q Was Henry Frank Brooks a citizen of the Cherokee Nation? A Nosir.
Q He was a state man? A Yes, sir.
Q Were you married to him? A Yes, sir.
Q Under what law? A I guess it was the Arkansas law; I was married in Morrillton, Arkansas.
Q Did you have a license? A Yes, sir.
Q When were you married to Brooks? A I don't know hardly.
Q About how many years ago? A A little over 16.
Q Have you got that marriage license? A No, sir, I didn't even get my clothes, let alone papers.
Q Is he living now? A He was about a year ago.
Q You separated from him? A Yes, sir.
Q Were you divorced? A No, sir.
Q Was Andy Vann a Cherokee citizen? A Yes, sir.
Q Cherokee freedman? A Yes, sir.
Q Is he living? A Yes, sir.
Q Has he applied to the Commission for enrollment? A I don't know; I don't have anything to do with him; don't even speak to him.
Q Were you married to him? A No, sir.

Q Do you know the names of the members of his family now? A Yes, sir.
Q State them? A His father Turk Vann, his mother, Chlera Vann.
Q About how old is Andy Vann now? A I don't know; he always claimed to be two or three years younger than me; I never did know his age for certain.
Q Where does he live now? A I don't know; his home is in Tahlequah, but since he married he has been teaching school and I don't know whether he has moved or not.
Q You say he has no children? A Not that I know of; married this past spring right here in Muskogee.
Q Was Andy Carter a Cherokee citizen? A Yes, sir.
Q Cherokee freedman? A Yes, sir.
Q Is he living? A Yes, sir.
Q Are you living with him? A No, sir.
Q Were you married to him? A No, sir.
Q Where does he live now? A On Fourteen Mile Creek.
Q About how old a man is he? A I don't know his age for certain.
Q Has he any family now? A Yes, sir.
Q What is his wife's name? A Florence.
Q Give the names of his children? A I don't know but two; I know the two oldest ones; Minora is the oldest.
Q Do you know the name of his father? A Yes, sir.
Q What was it? A Lake Carter.
Q What was the name of Andy Carter's mother? A Mariah.
Q Are they both Cherokee freedmen? A Yes, sir.
Q You have nothing to show the marriage of yourself to this man Brooks? A No, sir; have no papers; I told the Commission that when I was before them before.

By Mr. Hastings:
Q How old is this child Willis Carter? A He is nine, I believe.
Q How old is Andy Carter's oldest child by his wife? A I could not tell that and be sure.
Q About how old? A I don't know.
Q Older than your children? A My child is the eldest; him and his family lived down on the creek and I lived at Tahlequah and I don't know the dates.
Q Is Willis older than your Vann children? A No, sir, he is in his 9th or 8th years, I don't remember hardly.
Q You have got some Vann children older than Willis and some younger? A Yes, sir.
Q Rider Vannis about 12 years old, isn't he? A Rider, yes, sir, about 13.
Q Your oldest child is by Brooks? A Yes, sir.
Q He is about 16? A Yes, sir, the 15th of this month.
Q You never were married to Andy Carter? A No, sir.
Q Never was married to Andy Vann? A No, sir.
Q But you were married to Mr. Brooks? A Yes, sir.
Q Never were divorced from him? A No, sir.
Q And he was still living the last account you had of him? A Yes, sir, and had a large family to support, himself.

By the Commission:
Q Do you remember the date of the death of your child, Mattie Vann? A She died the day before Thanksgiving.
Q How long ago? A She died in November; I don't remember the date of the month.
Q What year, last year? A Last fall. She must have been dead about two days before Thanksgiving. The reason I remember I went and cooked a Thanksgiving dinner.

-0-0-0-0-0-0-0-0-0-

M. M. Vance, being first duly sworn, states that as stenographer

to the Commission to the five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 15th day of July, 1904.

Charles H. Sawyer

Notary Public.



32 C.T.R54

IN RE
THE DEATH OF

Mattie Vann

a citizen of the

Cherokee *Nation.*

Approved JUN 24 1904 *190*

Commissioner

FILED
JUN 24 1904
COMMISSION TO FIVE TRIBES.

C7R54

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Mattie Vann
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near Tahlequah
(Here insert name of post office)
, Ind. Ter., and died on the — day of Nov. , 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Illegible District.

I, Sallie Brooks, on oath state that I am 35 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Tahlequah
(Here insert name of post office)
Ind. Ter.; that I am mother of Mattie Vann,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by adoption, of the Cherokee Nation; and that said Mattie Vann
(Here insert name of deceased)
died on the — day of Nov , 1903

her
Sallie X Brooks
mark

WITNESSES TO MARK:
(Must be Two Witnesses) Charles N. Sawyer
Illegible

Subscribed and sworn to before me this 18th day of June 1904

Charles N. Sawyer
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am years of age, and a citizen, by , of the Nation; that my post office address is
(Here insert name of post office)
Ind. Ter.; that I was personally acquainted with
(Here insert name of deceased)
who was a citizen by , of the Nation; and that said
(Here insert name of deceased)
died on the day of , 1

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SALLIE BROOKS, ET AL., as Cherokee freedmen.

It appears that on July 19, 1904, the applicant, Sallie Brooks, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on this August 15, 1904, and then and there introduce further testimony in this case, touching the points mentioned in said letter.

APPEARANCES:
Applicant, Sallie Brooks, appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

SALLIE BROOKS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Sallie Brooks.
Q How old are you? A As near as I can tell it, I am 35.
Q What is your postoffice address? A Tahlequah.
Q You are a Cherokee freedman? A Yes, sir.
Q You have been notified to appear here to-day and introduce the testimony of Andy Vann and Andy Carter as to their being the fathers of your children, are these witnesses here? A I has one.
Q Who is it? A Tom Hollins.
Q But neither of the fathers of the children? A No, sir.
Q You gave testimony in this case on June 18 of this year, as to who were the fathers of your several children, did you not? A Yes, sir.
Q Is there anything further that you want to state on that question? A If these affidavits is all right, it may be that Andy Carter, some of his people is sick, and if it will be satisfactory I will get his testimony made out like Andy Vannis.
Q You want to offer the testimony of Andy Vann as to who were the fathers of your children? A Yes, sir, I mean get his testimony made out like Andy Vann's.
Q Any witnesses that you want to introduce will have to appear in person; the Commission can't file affidavits? A I was told to get these affidavits and then them fellows would have to stay with it; they are against me.
Q This child we have got listed as James Vann, you say his correct name is Jinks? A Yes, sir.
Q Not James at all? A No, sir.
Q You stated that Henry Frank Brooks is the father of your child Henry F.? A Yes, sir.
Q Is Henry Frank Brooks living now? A I couldn't tell you.
Q Is he a Cherokee citizen? A No, sir.
Q A state man? A Yes, sir.
Q Andy Vann, you stated that he is living? A Yes, sir, I can swear to that.
Q What is the name of his father? A Turk Vann.
Q You stated that Andy Carter has also is also a Cherokee freedman? A Yes, sir.

Commission: It appears from the Commission's records that the above mentioned Andy Vann has been listed for enrollment as a Cherokee freedman upon straight card 686; that the above mentioned Andy Carter has been listed for enrollment upon Cherokee freedmen straight card No. 554, and that both of said persons names' are identified upon the 1880 authenticated Cherokee roll.

By Mr. Hastings:
Q Is Andy Vann married? A Yes, sir.
Q Is Andy Carter married? A Yes, sir.
Q How long has Andy Carter been married? A As near as I can guess, about six years. I don't think he has been married any less than six years.
Q You or none of these children are on any of the Cherokee rolls? A No, sir.

THOMAS HARLIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Thomas Harlin.
Q How old are you? A 60 years old.
Q Do you know the applicants in this case, Sallie Brooks? A Yes, sir, I know her.
Q Are you a Cherokee freedman, yourself? A Yes, sir.
Q What is your postoffice address? A Chouteau.
Q How long have you been living at Chouteau? A Been living there going on five years.
Q Where did you live before that? A In Tahlequah district, on 14 Mile Creek.
Q Near this woman? A Yes, sir, then.
Q Do you know her family, how many she has? A She has got six, I don't know the names of all of them.
Q Do you know anything about who was the father of any of these children? A Andy Vann, I think, they say is the father of some of them.
Q You think they say? A That is what she says.
Q You don't know whether they lived together? A Yes, sir, a while, I suppose.
Q Did Andy Vann and this woman live together when-you- near you? A She was staying at Tahlequah and I was on 14 Mile Creek.
Q How long did they live together? A Must have lived together 6, 7 or 8 years, I reckon, as near as I can recollect.
Q Do you know which children he is the father of? A I can't call the names.
Q How many children were born to this woman while she was living with Andy Vann? A Two, to my recollection.
Q Who is the father of her other children? A I think Andy Carter is the father of one.
Q Where do Andy Carter and Andy Vann live? A In Tahlequah district
Q Which one of these children is Andy Carter the father of? A I forget his name now.
Q Did this woman live with Andy Carter? A She don't live with him now.
Q Did she ever live with him? A Yes, sir.
Q How long? A I don't know exactly.
Q Was that child born while she was living with Andy Carter? A I don't know.
Q Do you know who is the father of her other children? A No, sir, I forgets.

By Mr. Hastings:
Q Now in what house or in what part of the town of Tahlequah did Andy Vann and this woman live together and hold themselves out together, if you know of your own knowledge? A Seem like to me she was living somewheres in the east or north part of town.
Q Were you ever at their house when they were living together? A No, sir, I tell you the fact, I never was.
Q You only heard they were living together? A Yes, sir, she told me, herself, that she had children by Andy.

Q And that is all the way you knew about it? A Yes, sir.
Q You were never at their house while they were living together? A No, sir.
Q You don't know of your own knowledge then, except from what she says, that they did live together? A That is all.
Q You were never at Andy Carter's house when she and Andy Carter were living together, were you? A No, sir.
Q All you know about it is what she told you? A Yes, sir.
Q All you know about any part of this case is by what she told you? A Yes, sir.
Q That is the way you got your information? A Yes, sir, she told me.
Q You live 30 or 40 miles from Tahlequah? A About 30 miles.
Q And have been living that way several years? A Five or six years.
Q And before that you lived 12 or 13 ~~xxxxx~~ miles from Tahlequah? A Yes, sir.
Q You never saw either of these parties living with this woman as her husband? A No, sir.

By the Commission:
Q Didn't you state a while ago that you were living near this woman? A I said I was living 10 or 12 miles from Tahlequah and she was living in town.

Applicant, being re-called, testified as follows:

By the Commission:
Q Did you want to ask the ~~xx~~ witness any questions? A I have never lived in a house with any one of these men.
Q You don't claim to have ever lived with either Andy Vann or Andy Carter? A I have never lived in a house that was called theirs.
Q Have you got any other witnesses to introduce? A Not this morning, none have showed up that I know of.
Q Can you get any other witnesses? A On which?
Q On the question as to who is the father of these children? A I can fall back amongst people that I have worked for; those that have come to see me; I have never owned a house.
Q Why didn't you bring those witnesses to-day, you have been notified three times? A I know that; I brought a witness for myself.
Q We didn't ask you to bring a witness for yourself? A Mr. Harlin told you he lived on 14 Mile Creek and I got him in my own case.

Commission(attorney for Cherokee Nation): Has the Cherokee Nation got any witnesses in this case? A No, sir.

Commission (of applicant):
Q Does Andy Vann acknowledge any of these children as his? A He have always claimed the children till right now.
Q Until right now? A Yes, sir, the other day, when this affidavit was to be made out he denied three of them.
Q Does Andy Carter acknowledge any of the children to be his? A He has always acknowledged his boy, and I guess does yet. He was to meet us and come over yesterday; I guess something happened to him, because he didn't meet us; he has never denied his.

Commission: This case is continued by agreement of the parties concerned until the 12th of September, 1904, in order that the applicant may introduce the testimony of Andy Vann and Andy Carter.

September 18, 1904: Appearances same as on August 15, 1904.

ANDY VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Andy Vann.
Q You live at Tahlequah, Indian Territory? A Yes, sir.
Q And are about 30 years of age? A Yes, sir.
Q Do you know a woman by the name of Sallie Brooks? A Yes, sir.
Q Do you know what her father's name is? A No, sir, I wasn't acquainted with him only by sight.
Q Where does Sallie Brooks live? A At Tahlequah.
Q How long has she lived there? A I can't say; I knew when she came, but I don't remember the date of the year.
Q Several years ago? A Yes, sir.
Q Has Sallie Brooks some children? A Yes, sir.
Q Do you know what the names of those children are? A No, sir, I don't, I couldn't swear to the names, because I seldom see them.
Q Do you know some children she has, one by the name of Rider S. Vann? A Yes, sir, I knowed that one.
Q And one by the name of Jodie? A I don't know anything about the name; I have seen him.
Q Do you know one by the name of Mattie? A No, sir.
Q James? A No, sir.
Q Do you know who is the father of Rider S. Vann? A She claims that I am the father of him.
Q Do you know who is the father of Jodie Vann? A If that is the next boy next to Rider, she claims I am the father.
Q Do you know who is the father of Mattie Vann? A No, sir.
Q Do you know who is the father of James Vann? A No, sir.
Q I will ask you, Mr. Vann, are you the father of any of these children? A I couldn't swear that I was, only what she claims.
Q Do you know that you are not the father of any of these children? A I know that I am not the father of the last two that you called; the first two, it may be probably that I am.
Q You mean to say that you are not the father of Mattie and James Vann? A Yes, sir, these two.
Q Did you ever go with Sallie Brooks? A I never went with her, I visited her home.
Q When did you first begin keeping company with her? A I don't remember the date or the year; it was, it has been about, I couldn't swear what year, it has been something over 12 or 13 years, I guess, to the best of my knowledge.
Q Did you ever keep house with her? A No, sir, I visited her house.
Q You never lived together as husband and wife? A I wouldn't announce it husband and wife; I have been there and stayed with her a while.
Q Just stayed for a short while at a time? A Yes, sir.
Q You never held her out as your wife? A No, sir, never held her out as my wife at all.
Q How long did you continue to go to see her after you began 12 or 13 years ago? A Often and an almost two years to the best of my knowledge, two or three years, often and on, I don't remember.
Q How many years has it been since you quit paying or keeping company with her? A It is hard for me to tell; I can't say, because I don't remember.
Q You can estimate it, can't you, has it been as much as six or eight years? A I haven't been with her in 12 years, I don't think, 10 or 11 years, because I know I haven't for that time. I haven't been with her since the 1st payment.
Q Were you going with her, keeping company with her, about the time Rider S. Vann was born? A I had been previous to that.

Q How long previous to that, Mr. Vann? A I were going with her off and on up until Rider was born.
Q Did you ever go with her, keep company with her or be at her house since Rider S. Vann was born? A Yes, I have been to her house since he was born, not ever since, I believe.
Q Do you remember the time that Jodie was born? A No, sir, I don't, because I were away, I wasn't home until after that.
Q Do you know whether or not you are the father of this Jodie Vann? A No, sir, I don't.
Q Do you know that you are not? A I don't know whether I am or not.
Q Were you going to see her, Andy, during the eight or nine or ten months previous to the birth of this Jodie? A I stated I went there once before the birth of Jodie.

By Mr. Hastings:
Q You emphatically deny that you are the father of Hattie and James Vann? A No, sir, I am not the father of them.
Q You say that you never married Sallie Brooks, the mother of these children? A No, sir.
Q She had been married before, had she not? A I suppose she had been married, she had one child when she came to Tahlequah.
Q You don't know who is the father of the first child? A No, sir.
Q You and she never kept house together as husband and wife? A No, sir.
Q You never held her out to the community as your wife? A No, sir.
Q Do you know who else kept company with her after she came to Tahlequah, or whther other people had opportunity to keep company with her or not? A From what I have heard other people say they did; of course I couldn't swear to it; I know several boys went with her.
Q And you heard them give the same report? A Yes, sir.
Q About being intimate with her? A Yes, sir.
Q So you think there is a doubt about the parentage of the children, other had the opportunity? A Yes, sir, previous to the first one, because I went with her.
Q You are inclined to think you are the father of the first one, Rider S.? A I could be, yes, sir.
Q You could be? A Yes, sir, but I can't say that I am.
Q There is some doubt about its parentage? A Yes, sir, because thats hard for a man to tell.
Q But you doubt the parentage? A The first two could be mine, but others were going with her.
Q Others were going with her? A While I was going, while the first two were born I don't think others did, but I quit going after that.
Q You went with her while she was staying at other peoples' houses? A Yes, sir.
Q Cooking and working for other people and you went to see her? A Yes, sir, and then I went to see her after she was in a house of her own.
Q But you never held yourself out as her husband? A No, sir.
Q You never claimed to be married to her? A No, sir.
Q She never claimed to be married to you? A No, sir, I never heard of it.

ANDY CARTER, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Andy Carter.
Q How old are you? A 24.
Q Where do you live? A Eight miles west of Tahlequah.

Q Do you know a woman by the name of Sallie Brooks? A Yes, sir.
Q Where does she live? A Stopping in Tahlequah now, I think.
Q Do you know any children that she has? A Yes, sir.
Q What are their names? A One is named Willis Carter, they call him that.
Q How old is Willis Carter? A He is nine or ten years old.
Q Where was he born? A In Tahlequah.
Q Where has he lived? A In Tahlequah.
Q Do you know who is the father of Willis Carter, a child of Sallie Brooks'? A No, sir, I don't.
Q You don't know who his father is? A No, sir, I know who she said was his father, but I don't know who his father is.
Q Did you ever live with Sallie Brooks? A Yes, sir.
Q How long did you and her live together? A A year or six months something like that.
Q You never were married to her? A No, sir.
Q Did you keep house separately and apart from anyone else, you and her together? A Upstairs in the same rooms.
Q Did you ever hold her out to the public, or the people there in Tahlequah as your wife? A I didn't tell anybody she was, no.
Q When did you live with her? A About '93, I guess, '93 or '94, somewhere along '92 and '93, I guess.
Q Do you remember when this Willis Carter was born? A Not right to a day, no, sir.
Q Were you living with Sallie Brooks about that time immediately preceding the birth of this child? A Yes, sir, just about a month before his birth I left Tahlequah, don't know the date exactly.
Q What is your best impression as to the number of months you lived with her? A Year or year and six months, I reckon.
Q During this time that you were living with her, was she keeping house-- company or receiving attention from anybody else up there? A Not as I knew of.

By Mr. Hastings:
Q Are you married? A Yes, sir.
Q When were you married? A I was married in '94, I think.
Q 1894? A Yes, sir.
Q Had you been married before that? A No, sir.
Q Had Sallie Brooks been married before that? A I don't know, she had a number of children.
Q She has had a number of children since then, hasn't she? A I think so.
Q Number of children since you married? A I think so, I don't know.
Q Andy, you don't mean that you and she kept house together, but you mean you and she kept company together, is that it? A I don't know what you would call it, we didn't really keep house, I stopped there at night; I worked for people and stayed there at night.
Q But you didn't hold her out publicly as your wife? A No, sir.
Q She didn't assume your name? A Not as I knew of.
Q She wasn't regarded by the people there at Tahlequah as your wife? A No, sir.
Q And you didn't regard her as such? A No, sir.
Q How many children had she at that time? A I don't know how many she had.
Q Didn't she have one she called Brooks? A Yes, sir.
Q Didn't she formerly have a husband by the name of Brooks? A Yes, sir, they say she did, in Texas.
Q Do you know what became of him? A No, sir, I don't know; [illegible] didn't know her until she came here.

K. M. Vance, being first duly sworn, states that as stenographer

to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 28th day of September, 1904.

Notary Public.

FILED
SEP 29 1904
COMMISSION TO FIVE TRIBES.

Contestant,

Contestee.

SUBPOENA.

INDIAN TERRITORY,
DISTRICT. } ss.

I, E. P. J.,

do solemnly swear that I am over 14 years of age, and that I served the within writ of subpœna on the following named persons by delivering a true copy of the same to each of said persons at the time and place hereinafter mentioned:

To [illegible],
on the 14 day of [illegible], 1904,
at Tahlequah, I. T., Ind. Ter.;
To [illegible],
on the 22nd day of August, 1904,
at Tahlequah, Ind. Ter.;
To ,
on the day of , 190 ,
at , Ind. Ter.;
To ,
on the day of , 190 ,
at , Ind. Ter.

Subscribed and sworn to before me this day of , 190 .

Notary Public.

68.

DEPARTMENT OF THE INTERIOR.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

To Andy Nunn & Andy Carter

We command you to appear before the Commission to the Five Civilized Tribes at Muskogee, I. T., in the Creek Nation, Indian Territory, at 9 o'clock A. M., on the 12 day of Sept, 1904, to testify and give evidence, on the part of the ~~contestant~~ applicant, in a certain ~~allotment con-~~ enrollment ~~test pending~~ case before said Commission, wherein Sallie Brooks et al ~~contestant~~ applts and Cherokee Nation is contestee.

Herein fail not under penalty of the law.

Dated at Muskogee I. T., Indian Territory, this 15 day of August, 1904.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By ,

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Counsel Sr., et al., as Cherokee Freedmen, consolidating the applications of:

Mary Counsel Sr., et al.,	Cherokee Freedman R 44
Jenkins Counsel,	Cherokee Freedman R 53
Sallie Brooks, et al.,	Cherokee Freedman R 54.

D E C I S I O N.

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Mary Counsel Sr., for herself and minor children, Rachel, Mary Jr., Beatrice, Annie and Jackson Counsel; by Jenkins Counsel for himself; and by Sallie Brooks for herself and her minor children, Henry K. Brooks, Rider S., Jodie, Mattie and James Vann, and Ellis Carter.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Mary Counsel Sr., was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Rachel, Mary Jr., Beatrice, Annie, Jackson and Jenkins Counsel, Sallie Brooks and Henry K. Brooks, are descendents of the said Mary Counsel Sr., were born since 1866, and possess no rights to enrollment other than as such descendants; and that the minor applicants, Rider S., Jodie, Mattie and James Vann, and Ellis Carter, are children of the said Sallie Brooks, were born since 1880, and after ample opportunity having been afforded, it is not satisfactorily established that

they possess any rights to enrollment other than as descendants of their said mother. Consequently, the application for their enrollment should be adjudicated under the rulings of the Department in the cases of Elisa Bryant et al. (I.T.D. 544-1904), William Rector (I.T.D. 1468-1904), Minnie Duncan et al. (I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Ed Williams (I.T.D. 4230-1904) and Moses Ross (I.T.D. 6056-1904).

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

Attention is called to the allegations made by the mother, and testimony of the alleged fathers, in this case, tending to show that certain minor applicants herein are the illegitimate offspring of men whose rights to enrollment as Cherokee freedmen have been heretofore conclusively established. Aside from the fact that the gross immorality the mother and alleged fathers of said minor applicants acknowledge themselves guilty of is, in itself, sufficient to discredit their testimony and render it of little value, it is considered by the Commission that to grant the application for enrollment of illegitimate minor applicants on the testimony of their mothers and putative fathers alone, would be to establish a dangerous precedent-- one which could not be safely followed.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Mary Counsel Sr., Rachel Counsel, Mary Counsel Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattie Vann and James Vann, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

Chairman

T. B. Needles

Commissioner

C. R. Breckinridge

Commissioner

Dated at Muskogee, Indian Territory,
this _____ 1905

Cherokee Freedmen
R-54.

Muskogee, Indian Territory, May 28, 1904.

Sallie Brooks,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and others as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that you introduce further testimony as to the identity and citizenship of the father of your children, Rider S., Jodie, Mattie and James Vann and Ellis Carter.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
R-54.

Muskogee, Indian Territory, May 28, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Sallie Brooks et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the identity and citizenship of the father of Rider S., Jodie, Mattie and James Vann and Ellis Carter.

The applicant, Sallie Brooks, has therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Chairman.

Md 9

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
R-54.

Muskogee, Indian Territory, July 19, 1904.

Sallie Brooks,

Tahlequah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the citizenship of the alleged fathers of your said children. It appears that you gave additional testimony before the Commission in this case on June 18, but that you introduced no witnesses in support of said testimony. It is desired that, if possible, you secure the testimony of Andy Vann and Andy Carter, and such other testimony as you may be able to procure tending to show that you lived with these men and that they are citizens of the Cherokee Nation.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as above indicated.

Respectfully,

Register.

Commissioner in Charge.

Cherokee Freedmen

R-54.

Muskogee, Indian Territory, July 19, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Commissioner in Charge.

Dear Sir:

In the matter of the application of Sallie Brooks for the enrollment of herself and children as Cherokee freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the citizenship of the alleged fathers of the applicant's children. It is desired that, if possible, the testimony of Andy Vann and Andy Carter be secured, and such other testimony as the applicant may be able to procure tending to show that she lived with those men and that they are citizens of the Cherokee Nation.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'cloc A. M. on Monday, August 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-84

Muskogee, Indian Territory, October 26, 1904.

Sallie Brooks,

Tahlequah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of October 24, asking to be advised as to the status of the application for the enrollment of yourself and children as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision had been prepared you will be furnished with a copy.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

E-54.

Muskogee, Indian Territory, November 11, 1904.

Sallie Brooks,

Tahlequah, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of October 29, relative to the enrollment of yourself and children as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

You are further advised that, pending the final determination of your citizenship, you will be permitted to appear before the Cherokee Land Office at any time you may desire to do so for the purpose of instituting contest proceedings.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

COPY.

Muskogee, Indian Territory, March 3, 1905.

Sallie Brooks,

Tahlequah, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of February 10, 1905, relative to the enrollment of yourself and your minor children as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED). C. R. Breckinridge.
Commissioner in Charge

COPY.

Cherokee Freedmen

R-54.

Muskogee, Indian Territory, June 30, 1905.

Sallie Brooks,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as Cherokee freedmen, together with a copy of the Commission's decision dated June 20, 1905, rejecting, among others, said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Encl. 5-18
Register

COPY.

Cherokee Freedmen

R-44, et al.

Muskogee, Indian Territory, June 30, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 30, 1906, rejecting the applications for the enrollment of Mary Counsel Jr., et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 2-19

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
R-44, et al.

Muskogee, Indian Territory, June 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Mary Counsel Jr., et al., as Cherokee freedmen, including the Commission's decision dated June 30, 1905, rejecting said applications.

Respectfully,

Incl. 2-30

(SIGNED) Tams Bixby.
Chairman.

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

LAND
80935-1905.
101428-1905.

September 12, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

On August 10, 1905, the Office transmitted to the Department the record in the matter of the application for enrollment of Mary Counsel, Sr., et al., as Cherokee freedmen, and on the 8th of December , 1905, requested the Department to return the record for further consideration.

Mary Counsel made application before the Commission on April 12, 1901, for the enrollment as herself and five minor children as Cherokee freedmen. It is shown by the testimony that she was the slave of one Jake Alberty and was taken from the Nation to Texas during the War. She was married in Texas to a citizen of that State. By her own testimony, she did not return to the Nation until about the year 1887, and three of her five minor children were born in Texas, two in the Nation. Her name does not appear on any of the rolls of the Cherokee Nation.

Jenkins Counsel made application for his enrollment before the Commission on April 19, 1901. He was son of Mary Counsel, Sr., was born in Texas, and returned to the Cherokee Nation

about the year 1887. He bases his right to enrollment as a Cherokee freedman through his mother. His name does not appearon the Cherokee roll of 1880, or on the census roll of 1896, or on the Kerns-Clifton pay-roll.

Sallie Brooks, a daughter of Mary Counsel, Sr., applied for enrollment as a Cherokee freedman on April 19, 1901, for herself and six minor children. It is shown by the testimony that she was born in Texas, and married and lived for a time in Arkansas; and that she returned to the Nation with her mother about the year 1887. It is also shown that five of herminor children are illegitimate, she claiming that one Andy Vann, a Cherokee freedman, is the father of Rider S. Vann, aged ten, Jodie Vann, aged nine, Mattie Vann, aged five, and Jenks Vann, aged three, and that one Andy Carter, an enrolled Cherokee freedman, is the father of Ellis Carter, aged seven. Both of these men were witnesses before the Commission, Andy Vann testifying that it was possible that he was the father of Rider S. and Jodie Vann, but that he was not the father of Mattie Vann nor Jenks Vann. Andy Carter claimed that he did not know who was the father of Ellis Carter. The most that he knew was that Sallie Brooks claimed that he was the father of the child.

Under Section 2, of the Act of April 26, 1906, for the purposes of enrollment, illegitimate children take the status of the mother, hence even if there was no question as to the father of these five children, they could not be enrolled as

freedmen unless through their mother.

The evidence in this case shows that Mary Counsel, Sr., the principal applicant, left the Cherokee Nation during the Civil War, and did not return thereto again until about the year 1887, nearly twenty years after the time specified in the treaty between the United States and the Cherokee Nation, and that her name does not appear on any of the authenticated Cherokee rolls. All of the other applicants in this case were born since 1866, and possess no rights to enrollment other than as descendants of the principal applicant.

The Office therefore recommends that the decision of the Commission denying the enrollment of Mary Counsel, Sr., Rachel Counsel, Mary Counsel, Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattiw Vann, and James (Jenks) Vann, as Cherokee freedmen, be affirmed.

The record in this case is transmitted herewith.

Very respectfully,

F. E. Leupp,

Commissioner.

EWE-LC....

D.C.44575

JYJr.

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

I.T.D.17180-1906.

October 2, 1906.

J.P.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On September 13, 1906 (Land 101428-25), the Indian Office submitted the record in the matter of the application for the enrolment of Mary Counsel, Sr., Rachel Counsel, Mary Counsel, Jr., Beatrice Counsel, Annie Counsel, Jackson Counsel, Jenkins Counsel, Sallie Brooks, Henry K. Brooks, Rider S. Vann, Jodie Vann, Ellis Carter, Mattie Vann, and James (Jenks) Vann, as Cherokee freedmen, and recommended that the decision of the Commission to the Five Civilized Tribes of June 30, 1905, adverse to the applicants, be affirmed. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission is hereby affirmed.

The record in the case has been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 for Ind. Of.

Cherokee R.
R 54.

Muskogee, Indian Territory, October 16, 1906.

Sallie Brooks,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting, among others, your application for the enrollment of yourself and children, Henry K. Brooks, Rider S., Jodie, Mattie, and James Vann and Ellis Carter, as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

Respectfully,

Commissioner.

LMC

Cherokee R.
R. 44 et al.

Muskogee, Indian Territory, October 16, 1906.

William F. Rasmus,

Attorney for Mary Counsel, Sr., et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications of Mary Counsel, Sr., et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-46
LMC

Cherokee F.
R. 44 et al.

Muskogee, Indian Territory, October 16, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 30, 1905, rejecting the applications of Mary Counsel, Sr., et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 2, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-48
LMC

Cherokee
R-54.

Muskogee, Indian Territory, October 20, 1906.

Sally Brooks,

Tahlequah, Indian Territory.

Dear Madam:

In reply to your letter of October 1, 1906, you are advised that your application for the enrollment of yourself and minor children as Cherokee Freedmen was denied by the Secretary of the Interior October 2, 1906, of which action you were advised October 16, 1906.

Respectfully,

MC

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

REGISTERED
JUL 22 1904
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Sallie Brooks,

Tahlequah, Indian Territory.

ENROLLMENT REFUSED

CHEROKEE FREEDMAN.

IN THE MATTER OF THE APPLICATION OF

Sallie Brooks, et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony Apl. 19. 1901

B Mem. of application " "

C Testimony from case of Mary Bow...

Cherokee Freedman
Docket 753

Cher Fr R 55

Cher Fr R 55

DOUBTFUL as to applicant.

REJECTED as to her children, Ephriam, Easter, and Laura Wilson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 19th 1901.

In the matter of the application of Francis Johnson, for the enrollment of herself and her children as Cherokee Freedmen, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A. Francis Johnson.
Q How old are you? A. About 50.
Q What is your post office address? .A. Bengo.
Q In what district do you live? A. Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you apply for the enrollment of anyone else besides yourself? A Myself and three children.
Q Dont you apply for your husband? A. He is already enrolled.
Q Are you and your husband living together? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. Bred and born in here.
Q Lived here all your life have you? A. Only when I went south when the war went on.
Q You are on the rolls of the Cherokee Nation are you? A. I dont know.
Q Give me the name of your father? A. Isaac Gunter.
Q Is he alive? A. No sir.
Q How long has your father been dead? A. I dont know nothing about it
Q Give me the name of your mother? A. Catherine.
Q Is your mother dead? A. Yes sir.
Q How long has she been dead? A. 30 years.
Q When were you married? A. I married when I was 17.
Q To whom were you married? A. Ebenezer Wilson.
Q How many times have you been married? A. Twice.
Q Is Ebenezer Wilson dead? A. Yes sir.
Q How long has he been dead? A. Died since I have been in the Nation.
Q Ahd after he died you married again? A. Yes sir.
Q Who did you marry the second time? A. Lewis Johnson.
Q How long has it been since you and Lewis Johnson were married? A 7 or 8 years.
Q Give me the names of your children? A. Ephriam Wilson.
Q How old? A. About 20.
Q Next? A, Easter Wilson.
Q How old?A. About 15.
Q Next? A. Laura Wilson.
Q How old? A. About 14.
Q Are these children all living? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

Q Did you draw your Cherokee Strip Money? A. No sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicants not found thereon.

Q Where were you during the war between the North and the South? A In the Choctaw Nation.
Q To whom did you belong before the war? A. George Gunter
Q Where did he live? A. On the river in Sequoyah district.
Q He was a Cherokee was he? A. Yes sir.
Q How many people did he own? A. A good many.
Q What did he have down there? A. cotton plantation? A. No sir.
Q He had a farm though did he? A. Yes sir.

Q Where were you born; in the Cherokee Nation? A. Yes sir
Q And when the war came on he took you and the other colored people out? A. Yes sir.
Q Where did he take you? A. On Red River in the Choctaw Nation.
Q Did he take you on this side of Red River in the Choctaw Nation or over on the other side in Texas? A. On this side.
Q Did he bring you back when the war was over? A.Yes sir.
Q Did you all come back together? A. Yes sir.
Q Did he take you on some plantation down there? A. No sir.
Q But he took you all to the Choctaw Nation? A. Yes sir.
Q How long did you stay over there? A. I dont know sir.
Q How long did you stay in the Choctaw Nation? A. I dont know sir.
Q 4or 5 years? A. No sir.
Q 3 or 4 years? A. No sir.
Q Well how long then? A. I dont know.
Q Did you make some creps there? A. No sir.
Q When you left Red River where did you go? A. To Fort Smith with my mother.
Q You left Red River when the war was over? A. Yes sir.
Q Then where did you go? A. Well we come up to this end of the Choctaw Nation and then my mother took me to Fort Smith.
Q How long did you stay in this part of the Choctaw Nation? A. Not very long.
Q After you staid a while in this end of the Choctaw Nation you say you went to Fort Smith? A. Yes sir.
Q Went there to look for your mother I believe you said? A. No sir I went there with my mother.
Q Why did you and your mother go there? A She was looking for work
Q Did you find work in Fort Smith? A. Yes sir.
Q What kind of work? A. My mother hired me out.
Q How long did you stay hired out? A. 2 or 3 months.
Q What did you do then? A. Went to my brother on the river near Little Rock— he wanted us to come there and then he came up after us and took us down to Little Rock.
Q Then what did you do down there? A. They hired me out down there
Q Well how long? A. 2 or 3 years and then I married.
Q Did you settle down when you married and keep house? A. Yes sir.
Q Did you have any children born in Little Rock? A. Yes sir, three
Q What did you do after you had these three children born down there?
Q Came to the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since? A. Yes sir but I went back once to the Choctaw Nation.
Q Your first husband Wilson is the man you married in Little Rock is he ? A. Yes sir.
Q He was a state man was he? A. No sir he was a Choctaw.
Q Did you apply to the Choctaw Nation to have these children of his enrolled as Choctaws? A. Yes sir once
Q Did you apply to the Dawes Commission to have them enrolled as Choctaws? A. No sir.
Q Wm and your husband Wilson lived in Little Rock until after these three children were born to you there? A. Yes sir.
Q Where did you apply in the Choctaw Nation to be enrolled? A. I dont know sir.
Q They refused to enroll you? A. No sir I didnt have any right there myself.
Q What did you apply to be enrolled for if you didnt claim any right there? A. Because they told me my children had a right—I applied for my children.
Q Why would they not enroll your children? A. Just would not enroll them.
Q Who here is there that knows that you are married to you present husband? A. That man over there.

ALBERT JOHNSON, called and sworn as a witness, testified as follows:

Q What is your name? A. Albert Johnson.
Q What is your age? A. 45.
Q What isyour post office? A. Benge.
Q In what district do you live? A. Sequoyah.
Q How long have you lived in the Cherokee Nation? A. Always.
Q Do you know this applicant here? A. Yes sir.
Q Do you know her husband? A. Yes sir he is my brother.
Q About how long have they been married? A. I dont know exactly.
Q Well as near as you can tell? A. Just to go to work and tell you the exact number of years,and how long, I cant do it, but I think seven or eight years.
Q Did you know her former husband before she married your brother? A Yes sir.
Q Was your brother married before he married this woman? A. Yes sir twice as far as I know.
Q Both of those wives were dead when he married this woman were they? A. Yes sir.
Q Have your bmk brother and this woman lived together ever since they were married? A. Yes sir.
Q Living together now are they? A. Yes sir.
Q And all the time in the Cherokee Nation? . A Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the and of applicant's husband identified on same as follows: Page 705, No. 676, Lewis Johnson, Sequoyah dist.

The 1896 census roll of the Cherokee Nation examined and the applicant's husband identified thereon as follows- Page 1124, No 72, Lewis Johnson, Sequoyah district,

Com'r Breckinridge,

The applicant applies for the enrollment of herself and three children. Two of her children for whom she originally applied are found to be of age and her final application is for herself and three minor children; these are children of a former marriage. It is clearly shown in the testimony that the applicant did not return to the Cherokee Nation within the time required by the treaty of 1866 to entitle her to enrollment, and her first husband to whom she was married in Little Rock, Arkansas, claimed, according to her testimony, to be a Choctaw. After his death, the applicant married her present husband. She states that she applied for the enrollment of her children as Choctaws some years ago, but that they were not admitted to enrollment. She states that she never applied for such enrollment for herself, and does not claim Choctaw citizenship now. Her present husband, as shown by the testimony, has been married twice before his present marriage, but that both of his former wives were dead when he married the applicant. Therefore it appears that the marriage between the applicant and her husband some seven or eight years ago was a lawful marriage,and although she is not identified on any roll of the Cherokee Nation, she will be listed for enrollment on a doubtful card as a Cherokee Freedman by inter-marriage, and the final disposition of the Commission will be made known to her at her present post office address; her present husband is only identified on the rolls of 1880 and 1896 as a Cherokee Freedman, and he has been listed for enrollment upon a straight card.

As to the application for the three children, Ephriam, Hester and Laura Wilson, children of applicant's first marriage, they are too young to be upon the roll of 1880, and they are not identified on the roll of 1896 or on the Keene-Clifton roll. They partake of the status of their mother prior to her marriage to her present husband, and consequently it is clear they have no right to enrollment at this time, and the application for the enrollments of these three children is rejected.

* * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 30th of April, 1901, at Fort Gibson, I. T.

C. M. Theakinson

Commissioner.

TB. J. Bk. 5-3-

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 19 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 19 1[illegible]

Post Office Benge

District Leg: —

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

1. Ephraim Wilson	Year	Page	No.	Dist.	20
2. Easter "	Year	Page	No.	Dist.	15
3. Laura "	Year	Page	No.	Dist.	14
6.	Year	Page	No.	Dist.	
7.	Year	Page	No.	Dist.	
8.	Year	Page	No.	Dist.	
9.	Year	Page	No.	Dist.	
10.	Year	Page	No.	Dist.	
11.	Year	Page	No.	Dist.	
12.	Year	Page	No.	Dist.	

Application made by Francis Johnson Stenographer Van Wesse Chas.

Supl. C.F.R.#55.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

In the matter of the application of Ephraim Wilson for enrollment as a Cherokee freedmen; said Wilson being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ephraim Wilson.
Q How old are you? A I don't know just exactly.
Q About how old? A 29 I guess or thirty.
Q What is your post office address? A Muldrow.
Q What district do you live in? A In Sequoyah.
Q Do you apply to be enrolled as a Cherokee freedman?
A As a descendant.
Q Who do you want to enroll besides yourself? A No, sir, no, one besides myself.
Q What is your father's name? A My father's name was Wilse Ebenezer.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother is named Frances Johnson.
Q Is she living? A Yes, sir.
Q Is she a Cherokee citizen? A Yes, sir.
Q Is her name on the roll of 1880? A No, sir,
Q Has she applied to be enrolled here? A Yes, sir.
Q Where were you born? A I could not tell you.
Q Does your name appear upon any of the rolls of the Cherokee Nation
A Nothing only the Wallace roll; I guess you will fint it on there as Ephraim Gunter, that is the way she enrolled us.
Q You say you don't know where you were born? A No, sir.
Q Where were you when you can first recoollect? A In the Territory.
Q In the Territory where? A Cherokee Nation, Sequoyah district.
Q You have lived there all you life? A Yes, sir.
Q Did you ever draw money from the Cherokee Nation? A Yes, sir, I drawed money once.
Q What roll? A Wallace roll.
Q Did you ever try to draw what is known as Kern money, strip money?
A Yes, sir, my mother applied for us.
Q You didn't get it? A No, sir, not that time.
Q You now go by the name of Wilson? A Yes, sir, Wilson is my proper name and you might find it there as Ephraim Gunter.
Q You say you have lived in the Cherokee Nation ever since you can recollect? A Yes, sir.
Q Are you married? A Been, my wife is dead.
Q What was your wife's name? A Irena Starr.
Q Was she a citizen of the Cherokee Nation? A Yes, sir.
Q You say you have got no children? A yes, sir, I got children, but they have been enrolled; my wife's sister enrolled them in the spring, she was up here.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 115, #2440, Ephrahim Wilson, Sequoyah district.

The 1880 Authenticated roll, the 1896 census roll and Kerr-Clifton Payroll of Cherokee freedmen examined and name of applicant not found thereon.

Q Do you claim your citizenship through your mother?
A Yes, sir.
Q If your mother left the Cherokee Nation during the war and returned you were born after she returned? A Yes, sir.

Q Have you any brothers or sisters? A Yes, sir.
Q What are their names? A I got one named Lizzie, one named Peggie, Easter and Laura and I have a half brother.
Q Peggie is older than you? A No, sir.
Q Younger? A Yes, sir.
Q Is she married? A She has been, her and her husband has been parted.
Q Your mother applied to have you enrolled when she applied for herself, did she not? A I don't know whether she did or not.

COM'R NEEDLES; Ephraim Wilson applied for the enrollment of himself. He cannot be identi fied upon the authenticated roll of 1880 or census roll of 1896 or Kern-Clifton payroll, but is identified upon the Wallace roll according to the page and number of the rolls as indicated in the testimony. He avers that he is a child of Frances Johnson who was listed for enrollment on D. card #122, as an Intermarried citizen. It appears from the testimony in the matter of the application of Frances Johnson, the mother of applicant, that she appli ed for the enrollment of Ephraim, the present applicant, and Laura Wilson, and that the appli catio for the enrollment of said children was refused and they were rejected. It appears that the Ephraim Wilson for whom she applied at that time claimed to be 20 years of age.

The testimony taken in the matter of the application of the mother of the applicant, to-wit: Frances Johnson, clearly shows that the applicant did not return to the Cherokee Nation within the time required by the treaty of 1866 to entitle her to enrollment and her application for enrollment as a Cherokee Freedman and for the enrollment of her two children was rejected. It appears from the evidence that she was placed upon what is known as a doub ful card as a Cherokee Freedman by intermarriage. The application of the said Ephraim Wilson for the enrollment of himself will be rejected and reference is made herei n to the testimony taken in the matter of the application of his mother, Frances Johnson, who was enrolled on D. card #122.

(Ephraim Wilson, the appli cant having been listed for enrollment on Cherokee Freedmen rejected card #65, this testimony will be filed as supplemental to his case, by order of the Commissioner.)

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complet e transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 24, 1901.

Commissioner.

Cherokee R 55

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Sanders as a citizen by intermarriage, and John D. Sanders as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 13, 1900, Dexter Sanders appeared before the Commission at Muldrow, Indian Territory, and made personal application for the enrollment, among others, of his wife Emma Sanders, as a citizen by intermarriage, and of his minor son John D. Sanders, as a citizen by blood of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Dexter Sanders, a citizen by blood of the Cherokee Nation, married, in accordance with the laws of the United States, on the 12th day of May, 1897, one Emma Hamilton, a white woman.

Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 11 of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same;-"

An Act of the Cherokee National Council approved December 16, 1895, provides:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It further appears that prior to the date of the marriage hereinbefore shown, and on the 4th day of July, 1898, John D. Sanders was born to Dexter Sanders and Emma Hamilton who, at the time of this application, was his wife. The said John D. Sanders is identified by a certificate of birth filed herewith.

Section 4352 of the Compiled Laws of the Cherokee Nation of 1893 provides:

"That when a man, having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

It is, therefore, the opinion of this Commission that the application for the enrollment of Jesse Sanders as a citizen by intermarriage should be denied, and that John D. Sanders should be enrolled as a citizen by blood of the Cherokee Nation, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

[signature]

[signature]

[signature]

Dated at Muskogee, Indian Territory,
this AUG 11 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frances Johnson et al., as Cherokee freedmen, consolidating the applications of:

Frances Johnson et al	Cherokee Freedmen D 122
Ephraim Wilson	Cherokee Freedmen R 55

D E C I S I O N.

The record herein shows that application was made to this Commission by Frances Johnson for the enrollment of herself and three children, Ephraim, Easter and Laura Wilson, as Cherokee freedmen. Thereafter Ephraim Wilson appeared before the Commission and renewed the application theretofore made for the enrollment of himself as a Cherokee freedman.

The evidence shows that Frances Johnson was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during said rebellion, but did not return thereto until after February 11, 1867. It is further shown that Ephraim, Easter and Laura Wilson are the children of Frances Johnson and claim right to enrollment through their said mother. They were born subsequent to the last mentioned date and can possess no rights not acquired by their said mother.

None of the applicants herein are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Frances Johnson, Ephraim Wilson, Easter Wilson and Laura Wilson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R BRECKINRIDGE

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee R 55.

Muskogee, Indian Territory, August 13, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, of date August 11, 1902, denying the application of Emma Sanders for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and granting her application for the enrollment of her child, John D. Sanders, as a citizen by blood of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you may desire to make against its action in granting the application of John D. Sanders. If you fail to file a protest within the time allowed, this decision will be considered final.

Very respectfully,

Acting Chairman.

Enc. C. No. 2.

Cherokee Freedmen'
D-132 & R-55.

Frances Johnson,

Ramsa, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, rejecting your application for the enrollment of yourself and your three children, Ephraim, Easter and Laura Wilson, as Cherokee freedmen. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the original record of proceedings in the matter of your application for the enrollment of yourself and there has this day been forwarded to him a copy of the supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Enc. D-159,

Chairman.

COPY

Cherokee Freedmen
D-122 & R-55.

Muskogee, Indian Territory, May 4, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Frances Johnson et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Frances Johnson, Ephraim, Kaster and Laura Wilson as Cherokee freedmen.

Respectfully,

Tams Bixby.

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-162.

Cherokee Freedmen
D-122 & R-55.

Muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Frances Johnson et al., rejecting the applications for the enrollment of Frances Johnson, Ephraim, Easter and Laura Wilson as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Enc. D-161

Chairman.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 21, 1904.

Land.

30617-1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 4, 1904, transmitting the record of the application for enrollment as Cherokee freedmen of Frances Johnson for herself and her three minor children, Ephraim, Easter and Laura Wilson.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant, Frances Johnson was the slave of a Cherokee citizen at the beginning of the war of the rebellion and was taken out of the Cherokee Nation during the war and did not return until after February 11, 1867. The other applicants were born subsequent to that date and they derive their sole title to enrollment from Frances Johnson. None of the applicants are enrolled upon the 1880 authenticated Cherokee Roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner
Acting Commissioner.

W.M.M.
W. H. Seal.

(C O P Y)

Y. P.
FEB

DEPARTMENT OF THE INTERIOR,

E. C. 45425-1904. WASHINGTON, November 22, 1904.

I. T. D. 5914-1904.
6797- "
8255- "

LEM

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 21, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Frances Johnson for the enrollment of herself and children, Ephraim, Easter and Laura Wilson as Cherokee freedmen, and recommended that your decision of April 20, 1904, adverse to the claimants, be concurred in.

A motion for rehearing has been made in this case, in which it is claimed that certain persons named will identify, if a rehearing is granted, that the principal applicant was in the Cherokee Nation in 1866. Three of the persons make affidavit that they saw, and was often in company with Frances Johnson some Number in 1866-7 and have always known of her since that time. Witnesses saw the applicant across the Arkansas river opposite Fort Smith Ark, in the Cherokee Nation. The applicant and her folks had just returned to the said Nation in December 1866.

All this, even if true, would not show that the applicant complied with the treaty of 1866, if the applicant

was in the Cherokee Nation in 1866, it was apparently for a very short time. She states that when the civil war ended she was brought to the Chester Nation, and that after a short stay in that nation her mother took her from there to Fort Smith, Arkansas, where she remained two or three months and then went to some place near Little Rock, Arkansas, where she was married two or three years afterwards and where she appears to have resided for a number of years.

It appears that the applicant had three children born in Arkansas.

It seems that the principal applicant did not return from Little Rock to the Cherokee Nation until some time in 1885 or 1886.

As the attorney for the Cherokee Nation contends, everything in these affidavits by which it is sought to reopen the case is contradicted by the original testimony of the applicant herself. It is apparent that if the principal applicant ever acquired any rights in the Cherokee Nation, under the treaty of 1866, she lost them by her removal from the nation and by marrying a non-citizen of said nation.

The motion for rehearing is denied, And your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Assistant Secretary.

1 Inclosure.

COPY.

Cherokee Freedmen
R-55.

Muskogee, Indian Territory, December 7, 1904.

Ephraim Wilson,

Benge, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of yourself and your sisters, Easter and Laura Wilson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

(SIGNED). Tams Bixby,
Chairman.

COPY.

Cherokee Freedmen
D-122 R-55.

Muskogee, Indian Territory, December 7, 1904.

Louis T. Brown,

Attorney for Frances Johnson, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the matter of the application for the enrollment of Frances Johnson as a Cherokee freedman, was denied, and the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Frances Johnson and Ephrain, Master and Laura Wilson as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-122 R-55.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Frances Johnson and Ephraim, Master and Laura Wilson as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

ENROLLMENT REFUSED

CHEROKEE FREEDMAN

P-55

IN THE MATTER OF THE APPLICATION OF

Ephraim Wilson et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

P-55

A. Original testimony Apl. 19 01

B. Mem. of application, Apl. 19 01

C. Supplemental testimony. Sep 24-01

RECEIVED
SECRETARY OF INTERIOR

See Cherokee Freedmen
docket 122

Cher Fr R 56

Cher Fr R 56

Rejected as to George Howell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Maria Howell for the enrollment of herself and five children as Cherokee Freedmen.

Maria Howell, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Maria Foreman.
Q How old are you? A 33 years old.
Q What is your post office? A Gann.
Q In what district do you live? A Sequoyah district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Whom do you wish to enroll besides yourself? A Five children.
Q Isn't your name Foreman now? A That is my registered name.
Q What is your name now? A Howell.
Q Have you a husband? A Yes, sir.
Q Does he claim to be a Cherokee Freedman? A No, sir.
Q Well you had better apply for him to see if he has any intermarried rights; you are a Cherokee Freedman yourself? A Yes, sir.
Q And he is your lawful husband? A Yes, sir.
Q It is barely possible that he may have some rights as your husband, and you had better include him in your application; it can't do you any harm, it might do him some good; do you include him than in your application? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Lived here all my life.
Q You are on the rolls of the Cherokee Nation, are you? A Yes, sir.
Q Give me the name of your father? A Jerry Foreman.
Q Is your father living? A Yes, sir.
Q Give me the name of your mother? A Ellen Foreman.
Q Is your mother living? A No, sir.
Q How long has your mother been dead? A I can't exactly tell; I was small when she died.
Q You can't hardly remember her? A No, sir.
Q When were you married? A In 1890.
Q Did your husband get out a Cherokee license? A No, sir.
Q Did he get out a United States license? A Yes, sir.
Q Just married you under a United States license? A Yes, sir, he couldn't get a Cherokee license.
Q Have you a copy of your marriage license and certificate?
A I didn't bring them with me.
Q Is there somebody here who knows that you and your husband were married? A Yes, sir.
Q Who is there? A Mr. Williams.
Q Give me the name of your husband? A George Howell.
Q Give me the names of your children? A The oldest one is Georgiann Howell.
Q How old is that child? A 8 years old.
Q Give me the name of the next child? A Mary.
A How old is that child? A 7 years old.
Q Give me the nameof the next child? A Beulah.
Q How old is that child? A Four years old.
Q Give me the name of the next child? A Iola.
Q How old is that child? A 3 years old.
Q Give me the name of the next child? A Emma.
Q How old is that child? A One year old.
Q Are these children living now? A Yes, sir.
Q Isn't there somebody here who knows you and your husband?
A Yes, sir, my cousin, this woman; she is married.
Q What is her name? A Her name is Mary Howell.

Mr. W.W.Hastings, attorney for Cherokee Nation: Your husband

never got any Cherokee license? A No, sir.
The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant Maria Howell identified thereon, page 697, No. 520, Sequoyah district.
The 1896 census roll of Cherokee Freedmen examined, and the applicants not identified thereon.
Q Did you draw Cherokee strip money? A No, sir.
Q Why didn't you? A My name wasn't on the roll.
Q You enrolled, did you? A Yes, sir.
Q And when you came there you found your name had been stricken off somehow? A Yes, sir.
Q Did you also enroll when they were making the census about four years ago? A Yes, sir, I think I enrolled one of the children, that was in 1896; yes, sir.

Mary Howell, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give us your full name? A Mary Howell.
Q How old are you? A About 36.
Q What is your post office? A Benge.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, Maria Howell? A Yes, sir.
Q What was her name before she married? A I can't call it; she is my cousin!
Q She is a cousin of yours? A No, sir, she isn't any blood kin, her husband and my husband are cousins.
Q Did you know this woman's father? A No, sir; well I saw him but I don't remember what his name was.
Q How long have you known this woman? A I have been knowing her a long time, I can't tell just how many years.
Q Did you know her before she was married? A No, sir.
Q You got acquainted with her directly after she married? A Yes, sir.
Q You don't remember what her name was before she was married?
A No, sir, I don't.
Q And you only got acquainted with her after she ~~was~~ married?
A Yes, sir.

Maria Howell, recalled, testified:
Q Were you ever married except to your husband? A No, sir.
Q Did you draw strip money for any of your children? A No, sir.
Q Have you a marriage license and certificate at home? A Yes, sir.
Q How far do you live from here? A Close to Hanson.
Q Well you need to send us your marriage license and certificate unless you can supply some personal evidence.
Mr. W.W.Hastings, attorney for Cherokee Nation: Have you got an older sister than you? A Yes, sir.
Q What is her name? A Lucinda.
Q Have you a brother younger? A Yes, sir.
Q What is his name? A Benjamin.
Q What was your father's name? A Jarry Foreman.
Q Your mother's name? A Ellen.

Commissioner Breckinridge: The applicant applies for the enrollment of herself, her husband and five children. The applicant is identified on the roll of 1880 under her maiden name as given by her, and she states that she has lived in the Cherokee Nation all her life. She is not identified on the Kerns-Clifton roll or on the roll of 1896. She states that she was enrolled on the Kerns-Clifton roll, but when she came to draw her money she found her name had been stricken off for ~~some~~ reasons unknown to her. There does not appear to be any occasion to doubt that the applicant has lived in the

Cherokee Nation all her life, but her change of name arising from marriage is not established. She states that she can supply the Commission with a marriage license and certificate. She will not be listed for enrollment as a Cherokee Freedman on a doubtful card, to await evidence of change of name by marriage. The applicant's husband, George Howell, is found not to have been married under a Cherokee license according to the applicant's testimony, and there appears therefore no ground upon which to enroll him, and the application for his enrollment is rejected. Of the five children named in the testimony, all are now said to be living, none of them are identified upon any roll. The applicant is required to supply the Commission with satisfactory certificates of birth of the five children, and awaiting such certificates and also evidence of their mother's change of name by marriage, these five children will now be listed for enrollment upon a doubtful card as Cherokee Freedmen.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 22nd of April, 1901.

Commissioner.

B. H. B. 52.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 20 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office Gans ~~Sq~~

District Sequoyah

1. Name George Howell Age 24

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Maria Howell. Stenographer Jones B. C.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—188,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lappton,	Cherokee Freedmen D—425,
Thomas E. Allen,	Cherokee Freedmen D—427,
Lewis Vanderford,	Cherokee Freedmen D—436,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—751,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Mnair,	Cherokee Freedmen R— 78,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—141,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Tark,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—156,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Maty Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Maulby for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sampter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BROCKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

COPY.

Cherokee Freedmen

R-56.

Muskogee, Indian Territory, January 24, 1905.

George Howell,

Gann, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-76.

Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Manley, George Reed, Sr., Buck Lehman, Bell Thompson, Lewis Scott, Abe Scott, Kender Hampton, Thomas F. Allen, Lewis Vanderford, John F. Berlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Vann, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Minnie Vann, Freddie Looney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mesir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGN) James Lay

Chairman.

Incl. K-9.

COPY

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John F. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jank McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dockman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tams Bixby.
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lempton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary F. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

(C O P Y)

D. C. 20677-1905
I.T.D. 2904-1905.

W.C.F.
FHE

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell , Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John N. Barnes, Bell Davis, Samuel, Brown , Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson , Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber , Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young , John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula ganders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann , Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Land, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary

1 inclosure.

COPY.

Cherokee Freedmen

R-56.

Muskogee, Indian Territory, April 28, 1905.

George Howell,

Gans, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY

Cherokee Freedmen

D 16, et al.

Muskogee, Indian Territory, April 20, 1908.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 18, 1908, rejecting the applications for the enrollment of William Davis et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) Tams Bixby.

Chairman

COPY

Cherokee Freedmen
3-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1903, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 27, 1906.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

NT RELEASED.

IN THE MATTER OF THE APPLICATION OF

George Nowell

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A Original testimony Apl. 20-0

B Mem. of application, "

Copy of testimony filed with Cherokee Nation.

Dawes Cherokee Freedman
Docket D 128

Cher Fr R 57

Cher Fr R 57

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 20th, 1902.

In the matter of the application of Rachel Baker for the enrollment of herself and one child as Cherokee Freedmen; said Baker being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Rachel Baker.
Q How old are you? A I can't tell, as near as I can recollect I am about 65.
Q What is your post office? A Benge.
Q In what district do you live? A InSequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A Cherokee Freedman I reckon.
Q Do you want to enroll anybody besides yourself? A I got children to enroll, but some of them is here and some is not.
Q They are all grown are they? A I have got one 16 years old.
Q That is your youngest child? A Yes, sir.
Q Is that the only one that is under 21 years of age? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have been here for years and years.
Q Have you been here all your life? A I have been here off and on all my life, first in the Choctaw Nation and here in the Cherokee.
Q Where were you born? A I can't tell that.
Q Where ~~xx~~ did you live up to the time you were 20 or 21 years of age? A I was up here at the salt works.
Q You have been married have you? A Yes, sir.
Q How many times have you been married? A I haven't been married but once.
Q To whom were you married? A Married a man by the name of Baker.
Q Give me his full name? A George.
Q How old were you when you married George Baker? A I don't know.
Q Give me as near as you can? A I reckon I was about, I was 16 years old I reckon, 16 or 17.
Q Where were you and George Baker married? A Married after we crossed over the line up there at the salt works.
Q Married in the Cherokee Nation? A Yes.
Q Have you been living a good long time in the CherokeeNation when you and George Baker married? A Yes, sir, just been living in the Cherokee Nation and going out and over in the Choctaw Nation and over the in State and working, first one place and then another.
Q Working for yourself and making your own living? A Yes, sir, this man Baker I was with, I worked with him and when I wanted anything and talking with him he would pay me.
Q He was your husband was not he? A No, sir, his name was Jim Baker.
Q Your husband's name was George Baker? A Yes, sir.
Q Who was this Jim Baker? A I don't know what he was.
Q Why did you go to him? A I don't know why; I had worked with him and stayed with him most of the time. I didn't think there was anywheres else for me to stay.
Q Did he have a farm? A Yes, he was working there around the salt works.
Q Working for day wages? A I was just working and they would pay me.
Q Was this man, Jim Baker, working for day wages? A I suppose so.
Q Some times you worked with him and sometimes you didn't work with him? A Yes, sir. Sometimes I would be cooking and he would pay me and I would go to him and ask him for anything he would pay me.
Q What would you do with your money? A I would spend it.
Q Well, then after a while you married a man by the name of George Baker? A Yes, sir.
Q Was he any kin to Jim Baker? A I don't know that.
Q Where did you live when you and George ~~xxxx xxxxxx~~Baker married?
A I stayed there until the war come up.

Q Stayed there with your husband, George Baker? A Yes, sir, just like I had been until the war come up.
Q You say sometimes you would work in the Cherokee Nation?
A Yes, sir, when he would not have work I would go somewhere else.
Q Sometimes in the States? A Yes, sir.
Q One place and then another? A Yes, sir.
Q Not one place more than another? A I would know where home was.
Q And you would go and stay as long as you pleased and come back when you pleased? A Yes, sir.
Q Now, when the war come up what did you and George Baker do?
A When they went to going off we went to.
Q Where did you go? A We went off to Texas and stayed around until about a year or maybe more
Q Did you go across Red River? A No, sir, we went close to Red River, but I never did go to the river.
Q Did you go to Arkansas too? A Yes, sir.
Q When the war was over you and George Baker came back? A Yes, sir.
Q Is George Baker dead? A Yes, sir.
Q How long has he been dead? A A little over 17 years.
Q You lived with him until he died? A Yes, sir.
Q Well then, from the time the war closed until George Baker died, did you live any one place? A I have been living with my son-in-lawand first one of the children and then another.
Q Was that before George Baker died? A No, sir.
Q I am talking about before George Baker died? A I was just knocking around, he was a sick man.
Q Did you have any regular home or did you and George Baker work at different place? A Just worked at different places and lived in a tent.
Q And you would go wherever you pleased? A Yes, sir.
Q Sometimes in the Choctaw Nation? A Yes, sir.
Q Sometimes in Arkansas? A Yes, sir, I was going to Fort Smith I usedto wash and so it would be.
Q Q You say he died? A Yes, sir, he died there in Hot Springs, Arkansas, he went there for his health and died there.
Q Now, you have never married since he died? A No, sir, I have not.
Q Well, you married this George Baker sometime before the war? ~~before the war?~~ A Yes, sir.
Q What was he doing when you married him, just working for wages?
A Yes, sir, wherever he ~~could~~could.
Q Sometimes in Arkansas and sometimes in the Territory?
A Yes, sir.
Q That was before you married him? A Yes, sir.
A And after you married him? A Yes, sir.
Q And before the war? A Yes, sir.
Q He would keep his money and spend it and give you some of it?
A Yes, sir, he would sure do that, give me some and spend some.
Q So what he made belonged to him and to you? A Yes, sir.
Q Is that right? A Yes, sir.
Q Well, now you claim to be a Cherokee Freedman? A Yes, sir.
Q Who was your Master before the war? A That is him, Jim Baker, I reckon.
Q As far as you know? A Yes, sir, that is as far as I know.
Q Have you ever been put on any roll of the Cherokee Nation?
A No, sir, I never have.
Q Give me the name of your child, that is the child that is 16 years old? A Lizzie Baker.
Q You say the child is 16? A Yes, sir.
Q This is George Baker's child? A Yes, sir.
Q George has not been dead quite 17 years? A I call it that.
Q Well, thereabouts? A Yes, sir.
Q Is this child living now? A Yes, sir.
Q She has never been put on any roll? A No , sir.

Q Was George Baker ever put on any roll? A If he was I didn't know it.

The 1860 Authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.
The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

Q It is evident that you were not a slave? A I never did apply for enrollment.
Q It is perfectly evident to me from what you say that you were always a free woman? A Yes; that is what I always though.
Q Well, then you have no rights as an ex-slave because you never were a slave? (No response.)

EXAMINATION CONTINUED BY JOHN F. FAULDS, Cherokee Representative Attorney for Applicant:

Q You came here before the war, didn't you? A Yes, sir.
Q Have you any idea how long before the war? A No, sir.
Q Well, xxx were you brought here by anybody? A Yes, sir; I just come along with the people that was coming.
Q Were you subject to the orders of any person? A No, just about like any other child, but to say that I know more than that, I could not say.
Q You say that you think old Jim Baker was your owner? A That's what I thought.

JOHN WILLIAMS, called as a witness for Applicant, having been sworn, testified as follows
EXAMINATION BY COMMISSIONER BRECKINRIDGE:

Q Give your name? A John Williams.
Q How old are you? A 65 past.
Q What is your post office? A Fort Smith Arkansas.

BY JOHN F. FAULDS, Attorney for Applicant.

Q Are you acquainted with this lade, Rachel Baker? A I have seen her a few times.
Q Do you know where she was residing before the war? A I know where she was at one time, and I believe it was the same woman.
Q When was that? A in1860.
Q Where was that? A At the Drew Salt works.
Q What was she doing there? A She was cooking for the camp there at the salt works.
Q Do you know whether she had a Master, whether she was a slave or not? A I do not, sir, never heard anybody say and didn't ask her about it.
Q Do you know that she has been here since 1866? A I have seen her passing in the country, she lived down on Lees Creek, I have seen her since 1870; I had not seen her from the time I seen her in 1866 until I saw her in 1870.

BY W. W. HASTINGS, Cherokee Representative:

Q You testified in the case of George W. Vann? A Yes, sir,
Q You testified then that you saw some colored woman cooking at those salt works? A Yes, sir.
Q You stated then that you saw this woman here for the first time? A I do.
Q Did? A Yes, sir.
Q And that she had told you that she was the same person and made herself known to you? A No, sir.

Q And you thought that she was the same person? A I did.
Q And you testified that you never saw her from the time you saw her at the salt works and the time you saw her now? A I think so.
Q You now say you saw her on Lees Creek in 1870? A Yes, I saw her when I was there.
Q How did you happen to see her? A I met her in the road.
Q you recollect the circumstance? A Yes, sir.
Q That was ten years afterwards? A Ten years afterwards.
Q You had not occasion to know her at the salt works? A I was there several times.
Q Now, thirty years afterwards you remember seeing the old colored person in the road up on Lees Creek? A Yes, sir.
Q She was alone? A She was along the road going from house to house I suppose.
Q Was any one along with you? A No, sir.
Q No one with her? A I didn't see anybody with her there; I was ahead of my party, I had a party close behind me.

BY JOHN F. FAULDS:

Q You saw her at the salt works, that is the time you speak about before the war, and you had not seen her until the time in 1870, but you knew this woman is the woman you have seen since 1870?
A Yes, sir.
Q And when you saw her here a few days ago to appear here as a witness, then you recollected that this was the same old woman you saw in 1866? A Yes, sir; I pointed her out over a hundred ymards.
Q It was not until you came here as a witness that you made up your mind that she was the same woman that you had seen back in 1860? A That is it.

BY W. W. HASTINGS:

Q You recognized her on Lees Creek as the woman? A Yes, sir
Q And you recognized her here? A Yes, sir.

GEORGE W. VANN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A George W. Vann.
Q How old are you? A I will be 67 years old on the 27th day of December.
Q What is your post office? A Bange.
Q How long have you lived in the Cherokee Nation? A I have lived here ever since I moved here from the old Nation.

BY JOHN F. FAULDS:

Q When did you first become acquainted with the applicant, Rachel Baker? A At the salt works.
Q When was that? A That was about the war, maybe about a couple of years before the war.
Q At the salt works at Webbers Falls in the Cherokee Nation before the war? A Yes, sir.
Q What was she doing there? A Cooking.
Q Do you know whether or not she was a slave? A She was not, Jim Baker, because when she cooked for him along I would pay the money for her cooking to Jim Baker and Jim Baker seemed to be her guardian, and they made a settlement ever Saturday evening and I saw him take it, he would take it and when ever we didn't pay he would say that he was her guardian and he would see that she got her money.
Q She is a colored woman? A Mixed with Indian and colored.
Q Now, what time did you see her there, if you remember?
A some time in 1860 I think.
Q When did you see her afterwards? A Well I never seed her after we broke up there until about 1870, I was at Fort Smith about 1870

and I saw her and had quite a laughing talk with her.
Q Do you know where she has been residing since that time?
A I know some of it.
Q Where? A She has been part of the time up here in the Cherokee Nation, part of the time in the Cherokee Nation above Webbers Falls, and sometimes in Fort Smith and sometimes in Van Buren and sometimes over in the Cherokee and some times I never knowed where she was.
Q where has she made her home? A For the last four of five years she has made her home down here on a colored man's place by the name of McDonald, the first time she seemed to make her home on the place of Payne, her son-in-law and she left there and went to McDaniels place and she is living there now.

BY W. W. HASTINGS:

Q Where did you see her in 1870? A Fort Smith.
Q You never saw her in the Cherokee Nation? A Yes, I have.
Q I mean when was the first time you saw her in the Cherokee Nation after the was? A I saw her in 1880.
Q I mean after the war? A Oh, I have seen her several times after the war.
Q Well, tell me the first time after the war? A I don't know, I don't know anything about it.

RACHEL BAKER, the Applicant, re-called, testified as follows: EXAMINATION BY W. W. HASTINGS:

Q You testified was this same man Vann didn't you? A Yes, sir.
Q You testified that you come back here after the war? A I did.
Q You testified in that case that you come down in the river bottom this side of Fort Smith? A Yes, sir.
Q You testified that you come along in a wagon? A Yes, sir.
Q You testified that there were trains running along on the road but you did not rige on them? A No, sir.
Q But they were running on the road when you came back after the war? A Yes, sir.
Q You are positive of that? A Yes, sir.
Q But you come in the wagons? A Yes, sir.
Q Near what town did you locate down there? A I think, I don't know whether it was in the Choctaw or Cherokee, but it was close down on the river.
Q Well, your trading point? A Where ever we could.
Q What was the town you went to trade at first? A Fort Smith I reckon.
Q Send and get a little something? A Yes, sir.
Q How far did you live from Muldrew? A Seven or eight miles.
Q When you first came? A I think they called it seven or eight miles.
Q Who was keeping a store? A I don't know, I never go to Muldrow to trade, I have been to Muldrow but I don't know whether I ever went to Muldrow to trade in that day and time or not.
Q But you heard of the town? A Yes, sir.
Q But you didn't go up there? A No, sir.
Q You know that there was a town by that name? A Yes, sir. I know that there was a town and they called it by that name.

BY COMMISSIONER BRECKINRIDGE:

Q Do you remember your mother? A No, sir.
Q Do you remember your father? A No, sir, I don't know anything about my father, unless this Baker was my father; that is what he always told me.
Q Was Jim Baker a Cherokee? A Yes, sir; uncle George Vann he says he is half Cherokee.
Q And what is the other half? A Negro I reckon.
Q But you don't know about that? A It is hard for me to say.

Q You don't know whether you are really a Cherokee or colored person? A I am Cherokee, that is what I always thought; that is what this Jim Baker always told, this is how I happened to know I was there. Thathas been a long time, they never taught me anything only to just go and do.
Q Did Baker ever tell you that your mother was a Cherokee? A No, sir.
Q Did he call you a Cherokee? A Yes, sir; I never seen my mother, If I did I never knowed it.
Q Well, you are an honest good old woman, but it is very hard to fix what your status is? A I can't help it, for I was not taught anything, I always thought I ought to have something.

BY W. W. HASTINGS:

Q You never did apply ~~for~~ at any time for any enrollment?
A No, sir.
Q You have lived here all yourlife and never did ask for any enrollment? A I never did know where to go.

GEORGE W. VANN, re-called, further testified:
EXAMINATION BY COMMISSIONER BRECKINRIDGE:

Q Did you know that this woman was married to one George Baker?
A No, sir.
Q Did you know that they did l ive together as man and wife?
A Yes, sir; I have seen them sleep together and get up out of bed.
Q You know that they lived together as husband and wife, and they claimed to be husband and wife? A Yes, sir.
Q Did she go by his name? A Yes, sir.
Q And they lived that way a good many years did they, as far as you know? A As far as I knew.
Q You say you have known them pretty much all her life?
A They would leave and come back and stay here some months.
Q And come back and they would be living together as husband and wife? A Yes, sir, he was sick and they would be together.
Q Did you ever know her and any other man to live as husband and wife? A Never did.
Q As far as you know then, she has lived as the wife of this man, George Baker and with no other man unt il his death? A I never seed any other man with her in my life.

RACHEL BAKER, the Applicant, re-called, testified as follows:
EXAMINATION BY JOHN F. FAULDS:

Q Where were your children born? A Some of them was born here and some of them born out and one died on the road traveling, I don't know anything about it.

BY COMMISSIONER BRECKINRIDGE:

Q How many children have you? A I have got ten.
Q Where was your child, Lizzie Baker born, in the Cherokee Nation?
A Yes, sir; she was born in the Cherokee Nation.
Q Where was your oldest child born? A He was born on the road.
Q In what Nation or State? A I reckon it must be near on the line coming back here.
Q On the Arkansas line? A Yes, sir, I was coming back.
Q Were any of your children born in Arkansas? A No, sir, just got along on the, just coming along in a hurry.
Q I am trying to find out whether they were born in the Cherokee Nation or outside of the Cherokee Nation? A There was one that was born outside and that is the one that died.

Q Where was that child born? A Born there in Arkansas.
Q What was the name of that child? A I can't tell you.
Q About what year was that child born? (No response.)
Q Was your husband, George Baker, a colored man? A Yes, sir, Indian looking man.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of herself and one child. Her marriage to one George Baker is reasonably established. She appears to have lived with him as his wife for many years and the child for whom she applies is the youngest child of that marriage. The applicant states that she has lived in the Cherokee Nation since she was a child except a brief absence during the war and that she has never at any time applied for enrollment and she is not identified upon the roll of 1880 or upon the Kerns-Clifton roll, nor upon the census roll of 1896, and her child, Lizzie Baker, is not identified upon either of the latter rolls. It is evident that the applicant was not a slave. Her life has been of an unsettled nature and there is no ground, at least at present, that seems to afford any right to enrollment at this time. The application for her enrollment and for that of her child will be placed upon a rejected card, both of them being listed as Cherokee Freedmen, though it is doubtful whether the applicant through her mother is of African origin or of Indian origin. The applicant's husband is said to have been dead a number of years.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 24th day of April, 1901.

Commissioner.

7B. J. 7B. 37.

DEPARTMENT OF THE [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 20 1901

[signature] ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office Benge

District Sq

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

(1) Name of wife Rachel Baker Age 65

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

(2) Lizzie Baker Year ..... Page ..... No. ..... Dist. ..... 16.

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by No W Stenographer Brown J. O.

To be filed in case of Lucinda Warren et al, Cherokee Freedmen R--

SUPPLEMENTAL: Rachel Baker.

R 57

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20,1901.

In the matter of the application of Rachel Baker for enrollment as a Cherokee Freedman:
George W. Vann, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your full name? A George W. Vann.
Q How old areyou? A I will be 87 on the 27th day of December.
Q What is your post-office? A Benge.
Q You have given testimony I believe heretofore in thecase of Rachel Baker? A Yes sir.
Q You want to give some additional testimony now; did you know her husband? A Yes sir.
Q What was his name? A He was a Baker.
Q You remember his full name? AThat's all I know, Baker.
Q You know whether he was a white man or colored man? A Black man; black a man as I am.
Q Did you know him before the war broke out between the North and the South? A Yes sir, I never knowed him until I went up there to the Salt Works, and that 's the first I knowed him or her ary one.
Q That was before the war? A Yes sir.
Q How long did you know him before the war? A About two years.
Q Was he a free man or a slave? A I do not know.
Q You didn't see anything of him during the war? A Yes I did.
Q Where did you see him during the war? A Ft. Smith and Webbers Falls.
Q When did you first see him after the war? A Ft. Smith I believe
Q And did you see him often after that? A Yes sir, I saw him on this side of the river sometimes and sometimes on the other side; saw her and him at Van Buren sometimes; I missed him, she said they went to Hot Springs and was gone a long time, and I have never seen him since.

Examined by Cherokee Representative, W.W.Hastings:

Q About how long were they gone? A I think two or three months maybe more.

Examined by attorney for applicant, A.S.McRae,(colored:)

Q Mr. Vann, well, yes, you say you met her husband before the war? A Yes sir.
Q At the Salt Works the first place? A Yes sir.
Q What was he doing there? A She was cooking and he was helping about the cooking.
Q Did you ever hear him make mention of his owners? A Never did.
Q Whether he was a freedman or a slave? A Never did.
Q You always know they lived together before the war and since as husband and wife? A Yes sir, lived together as husband and wife; I never see anybody else with her.

Com'r Breckinridge: In the course of the examination in this case the applicant has testified that when she came back to the Cherokee Nation after the war she saw the cars running on the railroad up the Arkansas Valley, this side of Ft. Smith. When I was a member of Congress, sometime between 1892 and 1894 I introduced and had passed the bill granting the charter for that railroad, and of course it was built after the date first mentioned, and she could not, therefore, have seen the railroad or the train at any time prior to 1870.

Rachel Baker Supplemental 2

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 25, 1901.

C R Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Rachel Baker et al., as Cherokee freedmen, consolidating the applications of:

Rachel Baker et al	Cherokee Freedmen	R	87
Diannah Piggice et al	" "	R	89
Lucinda Warren et al	" "	R	64
Aggie McGinnis et al	" "	R	68
Amanda Counts et al	" "	R	174

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by, Rachel Baker for herself and her minor daughter, Lizzie Baker; by Diannah Piggice for herself and her minor children, Edgar, William L., Bossy and Wilson Piggice; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L. and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and by Amanda Counts for herself and her minor son, Alphonse Counts.

The evidence shows that Rachel Baker is the mother of the principal applicants hereinbefore mentioned, and was not the slave of a Cherokee citizen or a free colored person, residing in the Cherokee Nation at the commencement of the rebellion. It is further shown that the said Rachel Baker removed from the Cherokee Nation during the rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation. The principal applicants in these several cases were born subsequent to 1866 and can possess no rights not acquired by their said mother, Rachel Baker, and their several minor children, applicants herein, acquire no rights as Cherokee freedmen not possessed by their said respective mothers.

Neither the said Rachel Baker, mother of, nor any of the principal applicants herein, then living, are identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Baker, Lizzie Baker, Dismuke Piggies, Edgar Piggies, William L. Piggies, Bessy Piggies, Wilson Piggies, Lucinda Warren, Samuel Warren, George Warren, Henry Warren, Jennie L. Warren, Dina Warren, Aggie McGinnis, Aurilla McGinnis, Daniel McGinnis, Maskey McGinnis, Lucinda McGinnis, Rachel McGinnis, Granville McGinnis, Sylvester McGinnis, Amanda Counts and Alphonso Counts as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR 20 1904

Roverland Ind - July 23 - 1904

In the matter of the Application for the enrollment as Cherokee freedmen of Rachel Baker

Allegation in letter Department

Commission to the five Civilized Tribes

1 Sir. on the 2 day of April - 1904 the Commission to the 5 Civilized Trib. Rendered a Decision Rejecting the Application of Rachel Baker the Principle Applicant in this Case upon the Grounds. That the said Rachel Baker Were Not the Bona of a Cherokee citizen at the Breaking out of the War of the Rebellion -

2 nd and that her Parents Was Cherokee citizens by Blood and they Did Not Live in the Cherokee Nation Continuously until after the War of the Rebellion. and that on 2nd or 3rd of April 1904 the Record Anderson Eaton age 59 years Who Has lived in the Indian Territory ever since the War And Baker (and Knows Nearly all the Indian and Negroes in the Cherokee Nation) Since the War and W. L. Harlan age 62 years old a Minister - their Evidence Will Clearly and Conclusively Show that Said Rachel Baker Was a Cherokee Born of in the year of our

3 rd That the applicant did Not know the Where about of the above mentioned of the four Witnesses until after the Commission Hood No more authority to hear the Testimoney of any applicant.

4 th That every Efford Was made to find the Where abouts of the above to Person.

5 th That this Motion is not for mer Delay of matters But for Justice.

6 th Therfore your Petitioner ask and Pray a Reopening of Her case, a copey of this Motion is Served upon the ~~Atty~~ attorney for the Cherokee Nation

Petitioner

Sworn and subscribed to Before me this 23 day of July - 1904 Personally appeared me a Notary Public Within and for the Northern Judicial District for the Indian Amerson Nation and C. D. Hanson to me Well known to be Pearson of Good moral Character and Worthy of Belief. Who after being duly Sworn according to law says, Amerson Nation I Has lived heire in the Cherokee Nation 46 years and that I Do know and that I am Well acquainted With Ethel Bolser for 46 years and knowing Her in 66 and Has seen Her often Hear and Talk to Her others She Was a Slave

Before

Sworn

Amerson

~~She Was~~

Seen

of Baker and he Were of indian
Blood a Cherokee citizen. As We Were
told. that We Were living Near the
applicant until 12 or 13 years ago
J Amoroon Foton
and C. D. Harden } Witnesses
that this Claime is Just
Given under my Hond and official
Seal This 23. Day of July. 1904

Notary Public

F R #57

Rockhill Baker

TO THE HONORABLE COMMISSIONER OF INDIAN AFFAIRS,

WASHINGTON, D. C.

In the matter of the application of Rachel Baker, et al., for enrollment as Citizen of the Cherokee Nation, Consolidating the applications of

Rachel Baker et al	Cherokee Freedman	R	57
Diannah Piggiee, et al	" "	R	59
Lucinda Warren et al	" "	R	64
Aggie McGinnis et al	" "	R	65
Amanda Counts, et al	" "	R	174

MOTION OF APPLICANTS TO RE-OPEN CASE AND HEAR ADDITIONAL TESTIMONY.

Now comes Rachel Baker for herself and her minor daughter, Lizzie Baker; by Diannah Piggiee for herself and her minor children, Edgar, William L., Bessy and Wilson Piggiee; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L., and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and by Amanda Counts for herself and her minor son, Alphonso Counts, and states that she is a Cherokee Freedwoman; that she was the child of a slave woman named Sarah; that her father was her mother's master and was named Jim Baker; that when she was small her mother died; that her father, Jim Baker, reared her; that after she was grown she married a Freedman, or colored person, named George Baker; that they lived with the said Jim Baker, a Cherokee Indian by blood, at the salt works near Webber Falls up to the beginning of the late war; that she had never been sold, but was recognized by Jim Baker, her father, as a slave; that he told her he was her father, and that he treated her more like a daughter than he did like a slave, but that her mother, the said servant, was a slave, and d

in the services of Jim Baker; that at the beginning of the late war she was removed South to Red River and remained there until peace was declared, when she was immediately removed to the Cherokee Nation, which was in the early part of 1866, and has since remained there at all times and made it her home, except when she has been hired to work at different times in Arkansas and the Choctaw Nation.

She says she made application to the Dawes Commission for Citizenship as a Cherokee Freedman; that she was at that time unable to show distinctly who her mother was, and whether or not she was a free person or a slave in the Cherokee Nation; that within the past few weeks she has found witnesses who knew her mother, and who will testify that she has continuously resided in the Cherokee Nation in the Indian Territory since 1866, and who will testify that she was the slave of a Cherokee Indian in the Cherokee Nation, Indian Territory, at the breaking out of the latex war;

That said testimony was unknown to her at the time of the trial of her cause, and that at that time she had no knowledge herself of her mother; that she is old and ignorant; that the attorney who represented her before the Commission to the Five Civilized Tribes has, since her presence before said Commission, left the country, or has failed to correspond with her according to his agreement; that she has, until lately, been without representation before the Commission, and that because of her ignorance and lack of such representation the Commission to the Five Civilized Tribes have failed to learn the exact facts with reference to her Citizenship;

She submits herewith affidavits of reputable persons who have lately been discovered by her, and who she can prove the above facts by.

WHEREFORE, she prays that the Honorable Commissioner of Indian Affairs make an order directing the Commission to the Five Civilized Tribes to re-open her said Citizenship case and permit

her to introduce the above proof, and such other proof as she may be able to produce, and that they be directed to enroll her and her descendants as Cherokee Freedmen, and will ever so pray.

Rachel Bakers
Linnah Riggs
Lucinda Warren
Aggie McGinnis
Amanda Counts

Subscribed and sworn to before me on this the 31st day of Oct, 1904.

H. L. Rogers
Notary Public.

My commission expires on the 2nd day of Sept, 1908.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER OF INDIAN AFFAIRS.

In the matter of the application of Rachel Baker, et al., for enrollment as Cherokee Freedmen, consolidation the applications of

Rachel Baker et al	Cherokee	Freedman	R 57
Diannah Piggies et al	"	"	R 59
Lucinda Warren et al	"	"	R 64
Aggie McGinnis et al	"	"	R 65
Amanda Counts et al	"	"	R 174

MOTION FOR ~~ARGUMENT~~ O

AFFIDAVIT IN SUPPORT OF MOTION TO RE-OPEN CAUSE.

EXHIBIT "A"

Comes now Mattison Brooks, of Barling, Ark., and being by me duly sworn on his oath states;

I am 82 years of age, and am well acquainted with Rachel Baker and with her children, Diannah Piggies, Lucinda Warren, Aggie McGinnis and Amanda Counts and with Sam Baker; that I was a slave before the war and lived in Ft. Smith, Ark.; I was well acquainted with the slaves of Jim Baker and knew Sarah, the mother of Rachel Baker before her death, which occurred a short time ~~xx~~ prior to the war of rebellion, and know that she was the slave of Jim Baker, a Cherokee Indian, and the mother of Rachel Baker, who was also a slave of the said Jim Baker;

I know at the breaking out of the war Jim Baker sent Rachel Baker South into Texas, and that she remained there until in the summer of 1866, when she returned to the Cherokee Nation. I saw her in Ft. Smith on her return, and also saw her on Lee's Creek in the fall of 1866 where she lived for something like a year. She afterwards removed into what is known as Jack Town, where she has

continuously resided. Rachel Baker is an ignorant, though good, woman, and she has never been willing to acknowledge that she was a slave, but she was the slave of Jim Baker, as it was also said was her father..

I have no interest in the citizenship case of Rachel Baker, and will not be benefitted by her enrollment, though I have always supposed her to be enrolled until I was advised to the contrary by one Houston est, who asked me if I did not remember said Rachel Baker. When I told him the facts as above stated.

his
Mattison x Brooke
mark

Witness
H. L. Rogers
Aaron Pigue

Subscribed and sworn to before me on this the 31st day of --- Oct, 1904.

H. L. Rogers
Notary public.

My commission expires on the 2nd day of Sept, 1908.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER OF INDIAN AFFAIRS.

In the matter of the application of Rachel Baker, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Rachel Baker, et al	Cherokee Freedman	R 57
Diannah Piggies et al	" "	R 59
Lucinda Warren et al	" "	R 64
Aggie McGinnis et al	" "	R 65
Amanda Counts et al	" "	R 174

AFFIDAVIT IN SUPPORT OF MOTION TO RE-OPEN CAUSE.

EXHIBIT "B"

Comes now D. Warden, of the Cherokee Nation, Indian Territory, and being duly sworn on his oath states;

I am 63 years of age, and am well acquainted with Rachel Baker and with her children, Diannah Piggies, Lucinda Warren, Aggie McGinnis and Amanda Counts; that I was a slave myself before the war and a resident of the Cherokee Nation, and that I knew Jim Baker, a Cherokee Indian who resided at the salt works in the Cherokee Nation and that I knew his slave, Sarah, who was the mother of Rachel Baker, the applicant foe citizenship herein, and knew that Rachel Baker was owned by Jim Baker, the said Cherokee Indian; that she lived with him up to the beginning of the war, when she was removed South to some place unknown to this affiant and remained there until the close of the war, when she returned to the Cherokee Nation; that she returned in the summer of 1866, or there abouts, and resided at Lees Creek for awhile, and since that date up to the present time has lived in the Cherokee Nation in the Indian Territory, and now resides there; that Rachel Baker is an old and ignorant woman, and has no knowledge of what is necessary to establish her rights to

Citizenship as Cherokee Freedman.

That affiant has been informed that Jim Baker, the Cherokee, was the father of Rachel Baker; that Rachel Baker was the house girl for the said Jim Baker, and was known and recognized as his slave prior to the war.

Affiant says that he has no interest in the above case, and makes this affidavit because he knows the facts herein to be true.

C. D. Hardin

Subscribed and sworn to before me on this the 31st day of Oct 1904.

H. L. Rogers
Notary public.

My commission expires on the 2nd day of Sept., 1908.

COPY.

Cherokee Freedmen
R 87

Muskogee, Indian Territory, May 3, 1904.

Rachel Baker,

Benge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Lizzie Baker, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, in the consolidated case of Rachel Baker, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Encl. V-80

Register.

Cherokee Freedmen
R 87, et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated cases of Rachel Baker, et al., including the Commission's decision dated April 30, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Dicemah, Nigar, William L., Bessy and Wilson Piggico, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

Respectfully,

James Bixby.

Chairman.

Encl. V-86

Through the
Commissioner of Indian Affairs.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 57, et al.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Rachel Baker, et al., rejecting the applications for the enrollment of Rachel and Lizzie Baker, Diannah, Edgar, William L., Bossy and Wilson Piggiee, Lucinda, Samuel, George, Henry, Jennie L. and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Encl. V-55

[C O P Y]

3 Enclos. -Copy-

Refer in reply
to the following:
Land.
30804-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904 transmitting the record of the consolidated applications for enrollment as Cherokee freedmen, by Rachel Baker for herself and her minor daughter, Lizzie Baker; by Diannah Piggiee for herself and her minor children, Edgar, William C. Bossy and Wilson Piggiee; by Lucinda Warren for herself and her minor children, Samuel, George, Henry, Jennie L., and Dina Warren; by Aggie McGinnis for herself and her minor children, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis and by Amanda Counts for herself and her minor, son, Alphonso Counts.

April 20, 1904, the Commission decided adversely to the applicants.

The record shows that Rachel Baker is the mother or grandmother of all of the other applicants who were all born since 1866 and possess no title to enrollment except such as may be derived from her.

It is further shown that Rachel Baker was not the

slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the war of the rebellion, and that she did not return to the Cherokee Nation on or before February 11, 1867.

None of the applicants is identified on any roll pertaining to the Cherokee Nation.

The petition for rehearing filed by the applicants has been duly considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

M.H.M.
L.

A.C. Tonner
Acting Commissioner

(C O P Y)

D. C. 37736-1904
I.T.D. 7584-1904

W.C.F.
FHE
J.P

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

OCTOBER 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 5, 1904, you transmitted the record in the consolidated Cherokee freedman case of Rachel Baker, et al (F.R. 57), including your decision of April 20, 1904, rejecting the applicants.

The Department has duly considered a motion for rehearing filed by the applicants.

Reporting in the matter September 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

1 inclosure. (Signed) Thos Ryan
Acting Secretary

COPY.

Cherokee Freedmen
R-57

Muskogee, Indian Territory, October 26, 1904.

Rachel Baker,

Bonge, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, the application for the enrollment of yourself, and minor daughter, Lizzie Baker, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

SIGNED) Tams Bixby.
Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-57 et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 26, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting the applications for the enrollment of Rachel and Lizzie Baker, Diannah, Edgar, William L., Bossy and Wilson Piggiee, Lucinda, Samuel, George, Henry, Jennie L., and Dina Warren, Aggie, Aurilla, Daniel, Mackey, Lucinda, Rachel, Granville and Sylvester McGinnis, and Amanda and Alphonso Counts as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 1, 1904.

Respectfully,

Chairman.

(COPY)

W. C. P.
Y. P.
FHE

D. O. 40220-1904. DEPARTMENT OF THE INTERIOR,
I. T. D. 11604-1904. WASHINGTON. DECEMBER 13, 1904.
ERS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On November 11, 1904, the Acting Commissioner of Indian Affairs transmitted a motion to reopen the Cherokee freedman case of Rachel Baker, et al.

On October 1, 1904, the Department affirmed your decision rejecting the applicants in said case.

The applicants claim that they have newly discovered evidence, and submit the affidavit of Mattison Brooks, in which he states that he was acquainted with the slaves of Jim Baker, and knew that Rachel Baker and her mother Sarah Baker were the slaves of said Jim Baker; that Rachel Baker was taken into Texas at the breaking out of the war and returned to the Cherokee Nation in the summer of 1865. They also submit the affidavit of C. D. Rankin, stating that he knew that Rachel Baker was the slave of Jim Baker, a Cherokee Indian, and that she was taken out of the Cherokee Nation at the beginning of the war and returned thereto in the summer of 1865 or thereabouts.

From the original record it appears that the applicant Rachel Baker was about twenty-four years of age at the

beginning of the war. In her testimony she states that she always thought she was a free woman. The witness John Williams who was introduced in her behalf, did not know whether the applicant was a slave or not. The witness George W. Vann, who it appears was 87 years old in 1901, states that he knew the applicant at the salt works at Webber Falls in the Cherokee Nation before the war, and that she was not the slave of Jim Baker, as is claimed in the affidavits submitted.

Considering the condition of the record, the Department does not consider the affidavits submitted sufficient to warrant opening the case for a rehearing. The motion is therefore denied and you will so notify the applicants.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

TOM A. NEAL JOHN LONDON

NEAL & LONDON
Attorneys at Law

F. J. Smith 11/10/24

Hon. W. W. Hastings
Atty at Law
Tahlequah I.T.

Dear Sir Enclosed please find Motion &
Copy of Affidavit - in Re - Rachel Baker et
al Vs Chen. Nat. Please acknowledge
Receipt of Same -

Very truly
Neal & London

D. I. V. 57.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 27 1901
ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft. Gibson Ind. Ter. April 27th., 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Rachel Baker, et al for the enrollment as Cherokee Freedmen of the Cherokee Nation.

J. S. Edwards

Attorney for applicant.

Enc. R57.

57

IN THE MATTER OF THE APPLICATION OF

Rachel Baker, et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony Apr 20-'01
B. Mems of application " "
C. Supplemental testimony
D. Receipt for testimony

ENTERED

DEC'S OF [illegible]

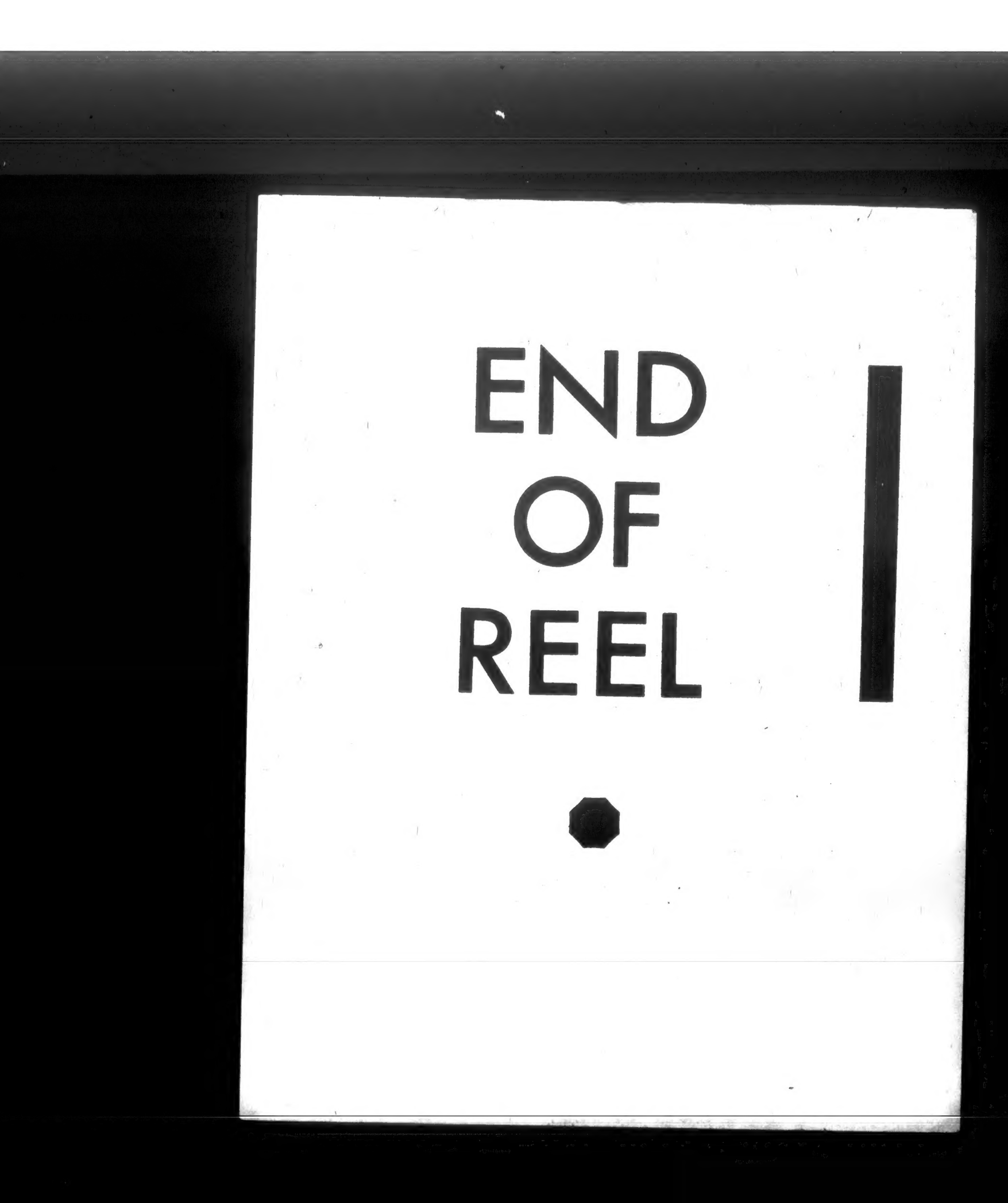
April 20 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

Oct. 1. 1904.

Copy R. testimony filed with Cherokee Nation.

See Cherokee Freedmen Jacket R 59 R 64 65 R 174.


END
OF
REEL